

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





77-1331

UNITED STATES COURT OF APPEALS FOR THE  
SECOND CIRCUIT

-----X

TAHERA WEINSTEIN,

Defendant-Appellant

UNITED STATES OF AMERICA,

Respondent

-----X

INDEX #77-1331

APPENDIX

JOSEPH A. MILLIGAN  
Attorney for Defendant-Appellant  
1550 Deer Park Avenue  
Deer Park, New York

TO: UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

ROBERT B. FISKE, JR., United States Attorney  
Southern District of New York

PETER N. DUHAMEL, Assistant U. S. Attorney.



PAGINATION AS IN ORIGINAL COPY



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

- against -

TAHERA WEINSTEIN,

Defendant.

AFFIDAVIT

INDICTMENT #77 CR 66

-----X

STATE OF NEW YORK)

ss.:

COUNTY OF NASSAU )

TAHERA WEINSTEIN, being duly sworn, deposes and says:

That two F.B.I. agents (Lynch and Brennan) came to my house at 8:30 a.m. on the morning of December 14, 1976 as I was about to leave for my office. That the F.B.I. used their car to block my driveway and they entered my home. That I was informed by the agents that I was under arrest and was further informed of the charges against me. That I told the F.B.I. agents I wanted to call my lawyer and was told I could do so when we arrived downtown. That I was taken by the F.B.I. in their car to the office of the United States Attorney and my husband, Robert Weinstein, followed in his car behind us. That I was given a card with my "rights" printed on it which I signed but which had no meaning to me because I was nervous. These "rights" were never orally read or communicated to me. That we went to the

office of Assistant United States Attorney Frank Wahl. That before we entered said office I again stated I wanted to speak to my attorney. That the agents told me that I must wait till after I've been questioned. We went inside and Mr. Wahl was not present. I then was taken to be fingerprinted and photographed. That after being fingerprinted and photographed we again arrived on the seventh floor upon which Mr. Wahl's office was located. Before entering Mr. Wohl's office I repeated my request to communicate with an attorney. That I was told that after I spoke to Mr. Wahl I could call a lawyer. That I then told Assistant United States Attorney Wahl I wished to call a lawyer. Mr. Wahl told me that this was merely an informal proceeding I was undergoing and that they needed my assistance. That Mr. Wahl stated that after I spoke with him I could call any one I liked. That I was with Mr. Wahl for about one and one-half hours during which time my husband remained outside the office. That during the period of one and one-half hours various tapes were played of alleged conversations between myself and Yasmin Pirani and I was questioned by Assistant United States Attorney Wahl and four other F.B.I. agents which included Lynch, Brennan, Marshand and one other. That after one and one-half hours, I insisted on calling my attorney and was finally permitted to do



so. That I was never orally informed of my constitutional rights during these entire proceedings. Of the four times I made my request to call an attorney my husband was present and witnessed three requests that I had made.

15

TAHERA WEINSTEIN

Sworn to before me this

10th day of March, 1977.

LINDA SUE COLYER  
NOTARY PUBLIC, State of New York  
No. 30-4618217  
Qualified in Nassau County  
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA, :

-against- :

TAHERA WEINSTEIN, :

Defendant. :

77 Cr. 65  
(CMM)

#46008

210 PM '77

----- x

METZNER, D. J.:

There is no real dispute as to the facts in this case.

Yasmin Pirani was here on a three months' visitor's visa and had overstayed the second extension of her time to leave the country. She wanted to remain here and told the defendant of her predicament. The defendant said that she had a friend in the Immigration Service who could help Pirani. The defendant told Pirani that there would be a charge for this and would let her know the amount later on.

The defendant then obtained the necessary INS forms which had to be filled out and filed as the first step in the procedure to obtain a change of status. Pirani signed the form in blank and left the papers with the defendant to complete and to process for her.



Pirani paid the defendant a total of \$800 which the defendant said she paid to an employee of the Immigration and Naturalization Service. The defendant did nothing except pocket the money.

18 U.S.C. § 1422, in pertinent part, provides that "whoever knowingly . . . charges, . . . collects, or receives . . . any moneys in proceedings relating to naturalization or citizenship registry of aliens beyond the fees . . . authorized by law" is guilty of a crime. Defendant argues that there were no proceedings in this case because the papers had never been submitted to the Immigration and Naturalization Service.

The proceedings consist of filling out the forms referred to above which are then submitted to the New York State Unemployment Agency, then to the United States Department of Labor, and upon the certification by both agencies, then submitted to the Immigration Service for the change of status.

In my opinion the proceedings relating to registry of Pirani commenced when the defendant obtained the forms and had Mrs. Pirani sign them.

The defendant is guilty beyond a reasonable doubt of violating Section 1422. Sentence shall be imposed on July 18, 1977. A probation report shall be prepared and made available for inspection in Room 207-B



on July 14, 1977.

So ordered.

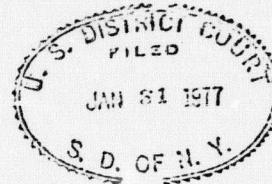
Dated: New York, N. Y.  
June 10, 1977

Charles H. McKee  
U. S. D. J.



165  
033

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA :

- v - :

TAHERA WEINSTEIN, :

Defendant. :

INDICTMENT

77 Cr.

77 CRIM. 0066

COUNT ONE

The Grand Jury charges:

On or about September 30, 1975, in the Southern District of New York, TAHERA WEINSTEIN, the defendant, unlawfully, willfully and knowingly did demand, charge, solicit, collect and receive moneys, to wit, approximately \$300, in proceedings relating to naturalization, citizenship and registry of aliens, beyond the fees and moneys authorized by law.

(Title 18, United States Code, Section 1422.)

COUNT TWO

The Grand Jury further charges:

On or about November 6, 1975, in the Southern District of New York, TAHERA WEINSTEIN, the defendant, unlawfully, willfully and knowingly did demand, charge, solicit, collect and receive moneys, to wit, approximately \$250, in proceedings relating to naturalization, citizenship and registry of aliens, beyond the fees and moneys authorized by law.

(Title 18, United States Code, Section 1422.)

MICROFILM

FEB 1 1977

(1)



COUNT THREE

The Grand Jury further charges:

On or about November 12, 1975, in the Southern District of New York, TAHARA WEINSTEIN, the defendant, unlawfully, willfully and knowingly did demand, charge, solicit, collect and receive moneys, to wit, approximately \$250, in proceedings related to naturalization, citizenship and registry of aliens, beyond the fees and moneys authorized by law (Title 18, United States Code, Section 1422.)

Lucille A. Carinci  
FOREMAN

Robert B. Fiske, Jr.  
ROBERT B. FISKE, JR.  
United States Attorney

A TRUE COPY  
RAYMOND F. BURGHARDT, Clerk  
RJ [Signature]  
Deputy Clerk

JUN 18 1977  
Minutes of Jury Forms signed and approved.  
Trial begun without a jury.  
Trial concluded.  
Decision Reserved.

Metzger, J.  
PJP

JUN 19 1977  
Court's opinion finds defendant guilty as charged. (see opinion and minutes of proceedings)  
Pre-sentence investigation ordered.  
Sentence July 18, 1977  
Bail continued.

Metzger, J.  
PJP

JUL 25 1977  
The defendant with her ally present for sentencing.  
The defendant is fined the sum of \$2,500.00 on count 1.  
One.  
I. S. S. on each of counts two and three, probation for two years.  
The fine is a committed fine to be paid within thirty days.

Metzger, J. R.



United States District Court  
SOUTHERN DISTRICT OF NEW YORK  
THE UNITED STATES OF AMERICA

vs.

TAHERA WEINSTEIN,

Defendant.

INDICTMENT

77 Cr.

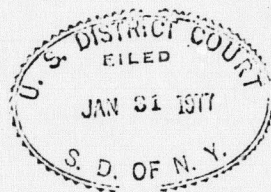
(In violation of Title 18, U.S.C.  
§ 1422.)

ROBERT B. FISKE, JR.

United States Attorney.

A TRUE BILL

*Lucille R. Carver*  
Foreman.



January 14, 1977 - 12 yr (any. time) (any. place) not guilty. Bail 10,000. \$100  
Consented by husband (unrecorded) -  
continued. Bail limits extended to  
include continental U.S.A. Resolved.  
Mitigating for all purposes. *Imprisoned*  
R

FEB 17 1977

*See trial conference held.*

*Mitig. J. S*

April 1, 1977

*Suppression hearing held.*  
*Decision Reserved*

*Mitig. J. S*

APR 27 1977

*See trial conference held.*  
*for June, 1977.*

*Trial set*  
*Mitig. J. S*



OFFENSE NO. 008 1 0835  
 WEINSTEIN, TAHIRA  
 01 31 77 0066  
 U.S. MAG. CASE NO. 76-1398  
 BAIL - RELEASE  
 13:1422  
 OFFENSES CHARGED  
 Unlawfully receiving monies in naturalization 1-3 proceedings.  
 7/25  
 II. KEY DATES & INTERVALS  
 ARREST or U.S. Custody Began  
 Summons Served  
 First Appearance  
 INDICTMENT Information 1-31-77  
 Indict Waived  
 In Charging District  
 Superseding Indict/Info  
 ARRAIGNMENT 2-10-77  
 Trial Set For  
 Trial Began  
 Trial Ended  
 TRIAL  
 Verdict  
 Disposition of Charges  
 Convicted  
 Acquitted  
 Dismissed  
 On Government Motion  
 SENTENCE  
 On All Counts  
 On Lesser Offenses  
 WOP  
 On Government Motion  
 MAGISTRATE  
 DATE 12/6/76  
 INITIAL NO. S.S.08AE  
 S.S.08AE  
 INITIAL APPEARANCE DATE  
 PRELIMINARY EXAMINATION  
 REMOVAL HEARING  
 WAIVED  
 NOT WAIVED  
 INTERVENING INDICTMENT  
 Tape Number  
 18 USC 371 and 1422-CONSPIRE TO DEFRAUD THE U.S. IMM. AND NATURALIZATION SERV  
 Peter Noel Duhamel  
 791-1921  
 ATTORNEYS  
 Hyman J. Greenberg  
 118-21 Queens Blvd., Forest Hills, N.Y.  
 793-0807  
 11375

| DATE     | DOCUMENT NO. | PROCEEDINGS                                                                                                                                                                                                                           |
|----------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/6/76  |              | Complaint filed, warrant issued                                                                                                                                                                                                       |
| 12/7/76  |              | Defendant presented, represented by Hyman J. Greenberg, 118-21 Queens Blvd, Forest Hills, N.Y. Defendant released on her own recognizance.                                                                                            |
| 1-31-77  |              | Indictment filed, 77 Cr. 66.....Pierce, J.                                                                                                                                                                                            |
| 2-10-77  |              | Def't. (atty. Gino Papa present) pleads not guilty. Bail \$10,000 P.R. B. co-signed by husband (unsecured) continued. Bail limits extended to include continental U.S.A. Case assigned to Metzner, J. for all purposes.....Tenney, J. |
| 2-10-77  |              | Fld the following papers rec'd from Mag Shreiber (Mag #76-1398) Complaint -Memorandum-Mag Warrant of arrest-                                                                                                                          |
| 2-10-77  |              | Fld appearance bond in the amount of \$10,000 Non Surety dated 2-10-77                                                                                                                                                                |
| 02-17-77 |              | PRE-TRIAL CONFERENCE HELD BY Metzner, J.                                                                                                                                                                                              |

FORM AO 256

A



- 2-77 Filed notice of motion & affid for an order granting inspection of the Grand Jury minutes -Granting an order dismissing the ind. -Granting a Bill of Particulars& granting suppression etc ret 3-6-77
- 3-2-77 Filed memorandum of law of deft
- 3-8-77 Filed Govt's memorandum of law in response to deft's pretrial motions
- 3-11-77 Filed affid of deft inref. to constitutional rights
- 3-18-77 Filed memo end on motion fld 3-2-77- DEft moves for an order granting inspection of the grand jury minutes this motion is DENIED Deft;s request for a B/P -GRANTED ....Metzner,J. M/N
- 3-25-77 Filed Govt's B/P
- 4-1-77 Suppression hearing held. DEcision Reserved...Metzner,J.
- 4-4-77 Filed memo end on Bill of Particulars fld 3-25-77 The motion is denied....Metzner,J. M/N
- 4-27-77 Pre-trial conference heldTRial set for June ,1977  
.....METZNER,J.
- 6-9-77 Filed Deft's Waiver of Trial By Jury and consents to trial by a Court alpane without a jury, in accordance with Rule 23 F.R.C.P. Approved. Metzner,J.
- 6-8-77 Waiver of Jury forms signed and approved. Trial begun without a Jury. Trial concluded. Decision Reserved. Metzner,J.
- 6-10-77 Courts Opinion finds deft. Guilty as charged.(see opinion and minutes of proceedings),PSI ordered. Sentence July 18, 1977. Bail continued. Metzner,J.
- 6-13-77 Filed OPINION #46008- Ther is no reall. dispute as to the facts in this case. The deft is guilty beyond a reasonable doubt of violating Section 1422. Sentence shall be imposed & made available for inspection in room 207-B on July 14,1977.. So ordered Metzner,j. M/N
- 7-25-77 Filed JUDGMENT (# ) Deft with aty present for sentencing. The deft pay a FINE to the U.S. in the sum of \$2,500 as charged in Count (1). Imposition of Sentence on each of counts (2) & (3) are suspended & the deft is placed on probation for a period of TWO (2) YEARS subject to the standing probation order of this Court.The probation period is to commence immediately. The fine is to be paid within THIRTY(30) DAYS from the date of this order or the deft is to stand committed until the fine is paidor is otherwise discharged according to law....METZNER,J. copies issued
- 7- 25-77 Filed notice of appeal from the judgment ,order entered on the 25th day of July 1977 (copy to deft & U.S. atty)

| FEE AND RESTITUTION PAYMENTS |                |           |      |                |
|------------------------------|----------------|-----------|------|----------------|
| DATE                         | RECEIPT NUMBER | CD NUMBER | DATE | RECEIPT NUMBER |
|                              |                |           |      |                |
|                              |                |           |      |                |
|                              |                |           |      |                |

A TRUE COPY  
RAYMOND F. BURCHARDT, Clerk  
*[Signature]*  
Deputy Clerk

B



United States of America vs.

United States District Court for

SOUTHERN DISTRICT OF NEW YORK

DEFENDANT

Tahera Weinstein

DOCKET NO. 77 cr. 66 (CM)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government  
the defendant appeared in person on this date

MONTH DAY YEAR  
July 25 1977

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Marvin Zevin Esq.

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that  
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

FINDING &  
JUDGMENT

Defendant has been convicted as charged of the offense(s) of

unlawfully, wilfully and knowingly  
did demand, charge, solicit, collect and receive moneys, in  
proceedings relating to naturalization, citizenship and registry  
of aliens, beyond the fees authorized by law.  
(Title 18, United States Code, Section 1422.)

as charged in counts (1) (2) and (3)

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

the defendant pay a fine to the United States in the sum of  
\$2,500.00 as charged in count (1).

SENTENCE  
OR  
PROBATION  
ORDER

Imposition of sentence on each of counts (2) and (3) are suspended  
and the defendant is placed on probation for a period of TWO (2) <sup>87</sup>  
YEARS subject to the standing probation order of this Court.

The probation period is to commence immediately.

SPECIAL  
CONDITIONS  
OF  
PROBATION

The fine is to be paid within THIRTY(30) DAYS from the date of this  
order or the defendant is to stand committed until the fine is paid  
or is otherwise discharged according to law.

ADDITIONAL  
CONDITIONS  
OF  
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

COMMITMENT  
RECOMMEN-  
DATION

It is ordered that the Clerk deliver  
a certified copy of this judgment  
and commitment to the U.S. Mar-  
shal or other qualified officer.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

CHARLES W. METZNER

Date July 25, 1977

CERTIFIED AS A TRUE COPY ON

THIS DATE July 25, 1977

BY <sup>(1)</sup> CLERK  
<sup>(2)</sup> DEPUTY



## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/14/76

TAHERA WEINSTEIN, 20 Cornell Drive, Wheatley Heights, New York (NY), telephone number (516) 643-4043, was interviewed at the office of Assistant United States Attorney (AUSA) FRANK W. ILL, Southern District of New York (SDNY), after being advised of the official identities of interviewing Agents and AUSA WOHL.

Also present at this meeting were arresting Agents WILLIAM H. LYNCH, JR. and JAMES BRENNAN.

WEINSTEIN was advised of certain rights by AUSA WOHL and was offered the opportunity to cooperate in a Government investigation on which charges she had been arrested.

WEINSTEIN advised that she understood her rights and was willing to help in any way she could.

WEINSTEIN thereafter voluntarily provided the following information:

WEINSTEIN advised that she had tried to help YASMIN PIRANI stay in the United States (US) and that PIRANI had given her (WEINSTEIN) \$800.00. WEINSTEIN stated that she gave PIRANI's \$800.00 to an attorney she thought could help PIRANI.

WEINSTEIN advised that she did not want to divulge the name of the attorney, but would give his name at a later date.

WEINSTEIN then advised that she gave PIRANI's \$800.00 to an attorney named AARON GOLDSMITH.

WEINSTEIN later advised that she gave PIRANI's \$800.00 to an attorney named REBECCA GOLDSMITH, the wife of AARON GOLDSMITH.

Interviewed on 12/7/76 at New York, New York File # NY 58-2059

by SAs JOHN P. MULLANEY and MARK J. MERSHON/JPM/mk Date dictated 12/10/76



WEINSTEIN was questioned as to who she had given the \$800.00 to and she advised she had given PIRANI's \$800.00 to a messenger service to deliver to the law firm the GOLDSMITH's were associated with.

WEINSTEIN advised that she could not remember the name of the law firm the GOLDSMITH's were associated with or the name of the messenger service that delivered the money. WEINSTEIN stated that PIRANI had given her cash and that the money was sent by messenger in the same form. WEINSTEIN stated that the receipt of the messenger service was given to PIRANI.

WEINSTEIN advised that she does not know anyone with the Immigration and Naturalization Service (INS), and that she had lied when she told PIRANI that she knew someone at INS that could help her (PIRANI).

WEINSTEIN advised that neither of the GOLDSMITHs were able to help PIRANI and that the last time she spoke to AARON GOLDSMITH was in the summer of 1976, and the last time she spoke to REBECCA GOLDSMITH was in April, 1976.

WEINSTEIN advised that when she told PIRANI that her friend that was going to help her had been promoted she was talking about someone in the Pakistan Embassy in Washington, D.C.

The following descriptive information was obtained through observation and interview:

Name:

TAHERA SAIDUDDIN WEINSTEIN  
nee KHAN



NY 58-2050

|                          |                                           |
|--------------------------|-------------------------------------------|
| Address:                 | 20 Cornell Drive<br>Wheatley Heights, NY  |
| Date of Birth<br>(DOB):  | March 24, 1925                            |
| Place of Birth<br>(POB): | Kashmir, India                            |
| Height:                  | 5'                                        |
| Weight:                  | 170 pounds                                |
| Eyes:                    | Brown                                     |
| Hair:                    | Dark brown - graying                      |
| Husband:                 | ROBERT WEINSTEIN                          |
| DOB:                     | August 26, 1934                           |
| Children:                | MOHSAN NIGHAT<br>AHSAN KHAN<br>ISMAT KHAN |

JPM:mk

1

NY 58-2059

The following is a transcription of several telephone conversations between YASMIN PIRANI (YP), TAHEERA WEINSTEIN (TW) and an Unidentified Person (UP) on October 29, 1976 and October 30, 1976.

It is to be noted that the inaudible portions of the following conversations are designated as (IA).

Telephone conversation between YASMIN PIRANI and TAHEERA WEINSTEIN.

- Dial Tone -  
- Sounds of making call -

YP           Okay. My name is Yasmin Pirani. Today is October 29, 1976. The time is 7:15 PM. I'm about to place a telephone call to Taheera Weinstein at telephone (516) 643-4043.

- Sounds of making a call -

UP           Hello?

YP           Hello. Can I talk to Taheera, please?

UP           Who?

YP           Taheera.

UP           She's not in.

YP           Oh. When do you expect her?



JPM:mk

2

NY 58-2059

UP Uh - within about an hour, I imagine. It's not sure. She hasn't left word.

YP Oh, I see. Okay. Thank you.

UP Should I tell her who called?

YP No. No, thank you.

UP Okay.

- Pause -

- Dial Tone -

- Sounds of making call -

YP The time is 8:10

- Sounds of making a call -

UP Hello?

YP Hello. Can I talk to Taheera?

UP She's not in.

YP When do you expect her?

UP Uh - (IA) about 9:00.

YP Okay. Thank you



JPM:mk

3

NY 58-2059

- Pause -

- Dial Tone -

- Sounds of making a call -

YP

The time is 9:20

- Sounds of making a call -

UP

Hello?

YP

Hello. Can I talk to Taheera?

UP

She's not in yet.

YP

Oh. When do you expect her?

UP

We're waiting for her. We don't know. Any moment now, we hope.

YP

Okay. Think you.

- Pause -

- Dial Tone -

- Sounds of making call -

YP

The time is 10:00 PM

- Sounds of making call -



JPM:ml:

4

NY 58-2059

UP Hello?

YP Hello. Taheera there?

UP No, she didn't get in and I'm getting quite worried.

YP Oh.

UP Didn't get in yet.

YP Oh. What - uh - is - uh - is she going to be home tomorrow?

UP Yeah. She'll be home. Tomorrow's Saturday, right?

YP Yeah.

UP Yeah. She'll be home.

YP Okay. What time do you think I should - uh - is the best time to call her?

UP Oh. You can call anytime. She, she's up early.

YP Oh. Thank you.

UP You're welcome.

YP Bye.

UP Bye.

- Pause -



JPM:mk  
5

NY 58-2059

- Dial Tone -

- Sounds of making call -

YP           My name is Yasmin Pirani. Today is October 30, 1976. The time is 9:40 AM. I am about to place a call - a telephone call to Taheera Weinstein at telephone (516) 643-4043.

- Sounds of making call -

TW           Hello?

YP           Hello. Taheera?

TW           Yes.

YP           Hi. Yasmin.

TW           Yes.

YP           How are you?

TW           All right. I'm getting along.

YP           Yeah. You getting over your automobile accident?

TW           Yeah, but very slowly.

YP           Oh. I see. Listen, I need your help. I have to go back to (IA). I got a letter, you know?

TW           Yeah.



JPM:mk

6

NY 58-2059

YP I thought if you could help me. You told -  
TW (IA)

YP You told me last time you were going to ask that  
TW lady in the Immigration about my papers?

Yes, I did.

YP What happened?

TW I couldn't get her.

YP Oh. You couldn't -

TW No. She was on vacation.

YP Oh. She was on - she's on vacation?

TW Yeah. She's supposed to be back this month.

YP But what is she trying to do? I mean, you know,  
you -

TW I'll ask her again as soon as she comes back. She's  
supposed to come back in the beginning of November.

YP Yeah.

TW She went out - she went to Israel.

YP I see. Because, you know, I mean - it, it's been  
more than a year, and, you know -



JPM:mk

7

NY 58-2059

TW Yeah. I'll ask her.

UP Yeah. It -

TW What number are you at?

YP Uh - I'm calling you from a telephone booth right now.

TW Yeah, but what is your number?

YP I don't have a number, you know. My number is disconnected because I, I was on a vacation.

TW Uh-huh. So where can I get in touch with you?

YP Oh, I'll have to get in touch with you, you know, because I'm at different places. Uh - listen, Taheera -

TW What's your address, so that if she asks me if she wanted - want to write to you or something what am I -

YP Same address.

TW Going to tell her?

YP Same address. Uh -

TW I don't have it. I don't have the address. I just have -



JPM:mk  
8

NY 58-2059

YP Oh! It's 49 West 8th Street.

TW Wait a minute. Let me just write this down.  
Because, you know, suppose she says, all right,  
we'll write to her directly -

YP Yeah.

TW Then I won't - I won't know where to contact you.

YP Oh.

TW 49?

YP West 8th Street.

TW Okay.

YP Okay? Because I'm very worried, Taheera. You  
know, we have given (IA) and I gave you \$800, you  
know how I gave it to you, don't you know?

TW Well, you see, that wasn't with me at all. It's  
just her responsibility.

YP Yeah, but -

TW She should shoulder it.

YP I, I gave it to you, right?

TW That I understand. I was just a media. (IA)



JPM:ml:

9

NY 58-2059

YP Yeah. And you gave it to - you gave it to her.

TW Yeah. And she should do something about it.

YP Please.

TW All right. Okay. I tell you what, you call me on a S - not this coming Saturday, but the next Saturday about this time.

YP About this -

TW And I'll have - I'll have something for you.

YP Yeah. Because, you see, I'm very worried. I've lost all that -

TW By that time she'll be back.

YP I've lost all that money I gave you, you know, because if - uh - she doesn't want to do it - uh - tell her to give us our money back.

TW Yeah. Well, I'll tell her that. I was gonna tell her that anyway.

YP Okay. Is she - does she still work in that 20 Broadway?

TW Oh, yes, oh, yes. Yes. In fact, she's been promoted.

YP She's been promoted?



JPM:mk

10

NY 58-2059

TW Yes.

YP I see.

TW So - um - I'll get in touch with her, and you call me, not this coming Saturday but the next Saturday.

YP Okay. And if she doesn't want to do anything, please try and get me that -

TW I will.

YP 800 back.

TW I will.

YP Okay?

TW I'll tell her, whatever the situation is to let me know.

YP Okay.

TW Okay.

YP All right? Thank you.

TW Okay. Bye.

YP Bye.

JPM:mk

1

NY 58-2059

The following is a transcription of a telephone conversation between YASMIN PIRANI (YP) and TAHEERA WEINSTEIN (TW) held on November 13, 1976.

It is to be noted that all inaudible portions of the following conversations have been designated as (IA).

Telephone conversation between YASMIN PIRANI and TAHEERA WEINSTEIN.

- Dial tone -

YP            My name is Yasmin Pirani. Today is November 13, 1976. The time is 9:25 AM. I am about to place a telephone call to Taheera Weinstein at telephone (516) 643-4043.

- Sounds of making a call -

TW            Hello?

YP            Hello. Taheera?

TW            Yes.

YP            Hi. Yasmin.

TW            Hi.

YP            How are you?

TW            Wait a minute. Let me take this in another room.



JPM:mk

2

NY 58-2059

- Pause -

TW I'm okay.

YP Okay?

TW I haven't been too well. My head (IA) better.

YP I see. Um. What happened? You told me to call you today, right?

TW Yeah.

YP Did you see the lady at the Immigration?

TW No. I wasn't able to.

YP Oh. You haven't even talked to her?

TW No, I wasn't able. She didn't come back from her vacation yet.

YP Oh. She isn't -

TW But she is expected this weekend.

YP Oh. I see. But - uh - you know, it's al - already a year now.

TW I know.

YP And I'm so frightened, you know, that I might -

JPM:mk

3

NY 58-2059

TW I think by next Saturday I should have an answer for you.

YP Yeah.

TW Definitely.

YP But do you think she didn't do it? I mean, if she -

TW Oh, I'm sure she did.

YP Yeah. You think -

TW But she's gonna be back this weekend.

YP Yeah. But you told me she was promoted, so -

TW Yes, she has been.

YP Won't it be easy for her to do it now?

TW Much easier. Much easier.

YP Who is - I mean - could - I mean - uh - what position does she have?

TW She's one of the directors.

YP Oh. She's one of the directors.

TW So if you call me next Saturday, I should have something for you.



JPM:mk

4

NY 58-2059

YP I see. I mean - if, if you tell her, whether she wants more money or what, you know. Because it's been over a year now.

TW I'll tell her. But, see, I'll definitely be talking to her on Monday or Tuesday.

YP This Monday or Tuesday?

TW Yes. So you can call me on Saturday.

YP Nex Saturday?

TW Yeah.

YP Okay. Or maybe if she wants more money, I mean, you can tell me about it and I can meet you somewhere and give you some -

TW Yeah, well, you can call me about this time, it would be the best time to call, and I'm sure I'll have something for you.

YP I see. So when is she coming back?

TW She, she'll be home this weekend.

YP I see.

TW Today or tomorrow.

YP Uh-huh.

JPM:mk

5

NY 58-2059

TW She just prolonged her (IA) holiday for a week.

YP Yeah. You - well, can you tell me, w - w - w - her - about her, or who she is or her name or anything?

TW Next week I will.

YP Next week you will.

TW Maybe I'll get you two together.

YP Yeah, because, you see, it's over a year now, and I'm very frightened, you know -

TW Yeah. I know.

YP Because, you know, all the problems are getting on in the Immigration.

TW I know. I know.

YP Okay. So I'll call you next Saturday, then?

TW Yeah. Next, next Saturday.

YP Okay. Thank you.

TW Bye-bye.

YP Bye.



JPM:mk

1

NY 58-2059

The following is a transcription of a telephone conversation between YASMIN PIRANI (YP), TAHEERA WEINSTEIN (TW) and an Unidentified Person (UP) on November 20, 1976.

All inaudible portions of the following conversation have been designated as (IA).

All portions of the conversation that were in a foreign language have been designated Foreign Language.

- Dial Tone -

- Sounds of making call -

YP My name is Yasmin Pirani. Today is November 20, 1976. The time is 9:00. I am - AM - I am about to place a telephone call to Taheera Weinstein at telephone number (516) 643-4043.

- Sounds of making call -

TW Hello?

YP Hello. Taheera?

TW Yes.

YP Yasmin.

TW Wait a second. Let me go downstairs and take the phone. Hold on.

YP Okay.

JP::mk

2

NY 58-2059

TW Or can you call me in five minutes?

YP Uh - five minutes?

TW Please.

YP Okay.

TW I'll be downstairs in five minutes.

YP Okay.

- Pause -

- Dial Tone -

- Sounds of making call -

YP The time now is 9:15 AM.

- Sounds of making call -

UP Hello?

YP Hello. Can I talk to Taheera, please?

UP Uh - yes. One minute.

- Pause -

TW Hello?



JTM:ml:

3

NY 58-2059

YP Hello. Taheera?

TW Foreign Language

YP (IA) You know, I don't have any  
can call me. I'm calling you f  
calls all the - uh - telephone  
time, you know.

TW Hmum.

YP So, when did, did she - when di  
that she'll do it?

TW She said I to - I should call  
on Tuesday.

YP On Tuesday?

TW Uh-huh.

YP So when should I call you to f  
if you could - do you work?

TW

&

YP

Foreign Language

JFM:mk

3

NY 58-2059

YP Hello. Taheera?

TW Foreign Language

YP (IA) You know, I don't have any number where you can call me. I'm calling you from telephone calls all the - uh - telephone booths all the time, you know.

TW Hmm.

YP So, when did, did she - when did she tell you that she'll do it?

TW She said I to - I should call her at the office on Tuesday.

YP On Tuesday?

TW Uh-huh.

YP So when should I call you to find out? Maybe if you could - do you work?

TW

&

YP Foreign Language



JPM:mk

1

NY 58-2059

The following is a transcription of a telephone conversation between YASMIN PIRANI (YP), TAHEERA WEINSTEIN (TW) and an Unknown Person (UP) on December 4, 1976.

All inaudible parts of the following conversation have been designated (IA).

- Dial Tone -  
- Sounds of making call -

YP My name is Yasmin Pirani. Today is December 4, 1976. The time is 9:10 AM. I am about to place a telephone call to Taheera Weinstein at telephone number (516) 643-4043.

- Sounds of making a call -

UP Hello?

YP Hello. Mrs. Weinstein, please.

UP Uh - may I ask who's calling?

YP Uh - this is her c - uh - her na - uh - her niece, I'm sorry.

UP Excuse me?

YP Her niece. Just tell her, your niece.

- Pause -

TW Hello?

JPM:mk

2

NY 58-2059

YP Hello. Mrs. Weinstein?

TW Who is it?

YP Yasmin.

TW Oh, yeah. Hi. How are you?

YP Fine. How are you?

TW Oh, I haven't been too well. We had a - a tragedy in the family, you know.

YP Oh. Your family or -

TW Yeah.

YP Oh. What happened?

TW Somebody died, so I've been just, you know -

YP I'm sorry.

TW I'm not doing anything about anything.

YP Oh. Because - uh - we have a very bad situation here.

TW Yeah.

YP Yeah. Because - uh - I got a letter. I've got to go the the Immigration on Thursday for Deportation.



JPM:mk

3

NY 58-2059

TW What happened!

YP I don't know. They just send me a letter saying that I have to report there for Deportation, and I can't do anything, Mrs. Weinstein, because you are the only one who can do it.

TW Oh, boy!

YP 'Cause - uh -

TW Who is that - what is the number on that letter? Do you have it there?

YP No, I don't have it here.

TW You don't have it here?

YP No, I don't have it with me. It's in the hotel.

TW Oh.

YP Uh - it's, it's from a - Mr. Johnson someone.

TW No, but, you see, I need the - the index number on the top.

YP Oh, I don't have the index number.

TW Where are you? Are you too far from your house?

YP Yes, I'm very far from my house. I'm talking from someone's house.

JPM:mk

4

NY 58-2059

TW Ahh-ha. Can you give it to me tomorrow?

YP Um - yes, I can give you the index number tomorrow.

TW All right. Could you call me early tomorrow and give it to me?

YP Sure.

TW But make sure you call me tomorrow. Because I'll call her home.

YP Yeah, but what, what can you do now that they -

TW Well I have - have to get the index number before I can do anything.

YP Yeah, but what, what will you do even if you get the index number?

TW We'll do what we can to say that your papers are there so that when you go there (IA) we'll be there to say that you applied and there's been some sort of a backlog, or bottleneck.

YP Yeah, but what will she do? I mean, your, your contact. What would she do?

TW I think she can move this - uh - this - uh - order.

YP She can move it?

TW Yes.



JPM:mk

5

NY 58-2059

YP            Yeah, but, did you see her? I mean, did you tell her -

TW            Yes, I talked with her. I wasn't able to see her, but I talked with her.

YP            And did you tell her I wanted to see a -

TW            Yes. Yes.

YP            What did she say?

TW            I said you wanted to see her. She said, yes, it can be arranged. And then last week and the week before, we had this very close family member very sick.

YP            Yeah.

TW            And I was not able to do anything on it. So why don't you call me tomorrow about this time.

YP            Yeah.

TW            And make sure the number is there. Matter of fact, have the letter with you.

(No more conversation contained on this tape.)

JPM:mk

1

NY 58-2059

The following is a transcription of a telephone conversation between YASMIN PIRANI (YP), TAHEERA WEINSTEIN (TW) and an Unidentified Party (UP) held on December 5, 1976.

It is to be noted that all inaudible portions of the following conversation have been designated as (IA).

Telephone conversation between YASMIN PIRANI and THAEERA WEINSTEIN.

- Dial Tone -

YP            My name is Yasmin Pirani. Today is December 5, 1976. The time is 9 AM. I am about to place a telephone call to Taheera Weinstein. Her telephone number (516) 643-40\_\_ (IA).

TW            Hello?

YP            Hello. Taheera?

TW            Yes. (IA)

YP            Yasmin.

TW            Yeah.

YP            How are you?

TW            Okay.

YP            All right. I got that let - letter and the index number.



JPM:ml:

2

NY 58-2059

TW Okay.

YP Do you have a pencil that you can write -

TW Yes, I do.

YP Okay. The index number is A21086419.

TW A21086419.

YP 21086419.

TW That's all I need.

YP Yeah.

TW And the date.

YP Uh - the date is November 29th, and uh - I have to report on - uh - at 20 West Broadway.

TW Yeah?

YP With all my belongings at 10 AM on Thursday, December 9th. It's - uh - signed by J. - F.J. Johnson.

TW How do you spell it?

YP F.J. Johnson. Johnson. J-O-H-N-S-O-N.

TW Okay.

JPM:mk

3

NY 58-2059

YP And what are you going to do about it, because -

TW You have to call me in an hour's time.

YP In an hour's time I should call you?

TW Yeah. What's the time now?

YP The time is 9:00.

TW Call me about 10:30.

YP About 10:30.

TW Yeah.

YP You'll be home?

TW Yeah.

YP Okay. Are you going to call your contact?

TW Yeah.

YP Please, because you are the only one who can do it unless -

TW Yeah.

YP I have to do something about it.

TW Call me 10:30.



JP1:mk:

4

NY 58-2059

YP Okay.

TW Okay.

YP Thank you.

TW Bye-bye.

YP Bye.

- Pause -

- Dial Tone -

YP The time is 0 uh - 10:30 AM okay.

- Sounds of making a call -

UP Hello?

YP Taheera, please.

UP Uh - could you please call back in half an hour?

YP Uh - where is she?

UP Uh - she's sleeping right now and I can't wake her up right now.

YP She told me to call her at 10:30. Tell her it's (IA). It's very important, and - uh - I have a very important message to give her.

JPM:mk

5

NY 58-2059

UP All right. One minute.

- Pause -

TW Hello?

YP Hello. Taheera?

TW I haven't got any information yet.

YP Oh. How come?

TW She is going to call me back (IA) she's going to her office. It's a Sunday, but she has keys, and she's gonna call me from her office. She's gonna dig out the file and see what's happening on it.

YP I see.

TW That's why I asked you to call me back later.

YP Oh. I see. So what time should I call you?

TW Well - uh - by 11:00, she should - she says - she should - she should have every - (IA) - everything done on it.

YP So I should call you around 11, 11:30.

TW Yeah.

YP Okay?



JPM:mk  
6

NY 58-2059

TW No, that's good.

YP I'll call you around 11, then.

TW That's good.

YP Okay.

TW Okay.

YP Thank you. Bye.

- Pause -

- Dial Tone -

YP The time is 11:15 AM

- Sounds of making a call -

TW Yes?

YP Uh - Taheera?

TW Okay. Hold on a second.

YP Okay.

- Pause -

TW Hello?

YP Yes.

JPH:mk

7

NY 58-2059

TW Let me hang up the other phone. All right?

YP (IA)

TW I said I'm just gonna hang up the other extension.

YP Okay.

TW Hold on.

- Pause -

TW Hello.

YP Yeah.

TW All right. Listen very carefully to this.

YP Okay.

TW Where are you calling from?

YP I'm calling from a friend's house, you know.

TW I see. First of all, we found out that somebody reported you.

YP Yeah?

TW Somebody reported the fact that you were here without - uh - registration.

YP Yeah.



JPM:mk

8

NY 58-2059

TW Can you think of anybody who would want to do that?

YP No. Yeah. Then?

TW So, now, what she's gonna try to do is -

YP Yeah?

TW She's gonna try and, and - uh - She's going to Washington tomorrow.

YP Yeah?

TW Just for this.

YP Yeah.

TW No, but, she's gonna try and tell them that - um - she already had the papers and (IA) lapse on her departmental staff.-

YP Uh-huh

TW That this has happened.

YP Yeah.

TW She's gonna fly to Washington tomorrow and she's gonna fly back tomorrow.

YP Yeah.

JPM:mk

9

NY 58-2059

TW And - uh - she's gonna see what she can do to resubmit the papers as an applicant and take out the papers for deportation.

YP Yeah.

TW Now, how, how important is it for you to stay in the States?

YP It's very important because this is the only place I have to stay to, you know. I can't go back to where ever (IA), you know, because I won't be able to - I, I want to stay. The main problem is that I want to stay, you know.

TW I understand.

YP See, I don't want to be deported, because - and you see, I don't want to bring you up, you know, if I go and make a statement that I did give you my papers and you agreed to -

TW That doesn't make any difference because nobody would believe you anyway. You'd only make, only make trouble for yourself.

YP Yeah.

TW I'm not interested in that.

YP Yeah. It's not -



JPM:mk

10

NY 58-2059

TW        You could say anything you liked because it wouldn't make any difference. It would be made - make it worse for yourself.

YP        Yeah. That doesn't make any difference - I just

TW        That doesn't make any difference to you.

YP        It would make a difference to me. Yeah.

TW        (IA)

YP        But, you see, I mean - uh - I, I, I trusted you, and I gave it to you. I still think that, you know, if you -

TW        But that's the problem. That's not - that has nothing to do. That has no official bearing on it. Uh - the amount was used to pay the contact, to make the contact interested in your case.

YP        Yeah.

TW        And that's the way it stands. If you go, go there and say that you gave the money to X person, what difference does it make to the Immigration? They don't give a damn.

YP        Yeah, yeah, yeah. No, but do you give the money to your contract - contact? (IA).

TW        I know, you can go and tell them the contact's name -



JPM:mk

11

NY 58-2059

YP No, no, no. Forget the Immigration -

TW You think they're going to believe you?

YP Forget the - it's between me and you. I mean, you give -

TW That's right. Of course.

YP The money to the contact, right? So why don't you tell the contact that we gave you the money -

TW I did already.

YP And we expected to get something out of it.

TW I did already.

YP Yeah. What did she say?

TW She said, yes, I know, but she says these things sometimes are not completely in her power. If somebody had not reported you -

YP Yeah.

TW This matter in the due course of time would have come and gone the way - It may have taken some time, but it would have been adjusted. But there was a deliberate report made against you about your being here as an undesirable alien..



JPM:ml:

12

NY 58-2059

YP            Yeah.

TW            Somebody reported it to the Immigration authorities.

YP            Uh-huh

TW            That you were here and that you had been here for  
two years or whatever time you have been here -

YP            Yeah.

TW            And that you did not have a visa, a valid visa.

YP            Yeah.

TW            And that's the way it was reported.

YP            Yeah. Now, listen -

TW            Now, I can't think of anybody who could report  
you unless you can think of somebody who could  
report you.

YP            No. No one -

TW            Because it is important if we can find out.

YP            No, no. No one could have reported me. I don't  
know anyone who could have -

TW            But there is a report lying right there in her file.

JPM:mk

13

NY 58-2059

YP            Yeah, but I can't think of anyone reporting me.  
That's -

TW            But there is a report.

YP            Yeah. I (IA) -

TW            There is a report, and, of course, the name of  
the person who reported is confidential, and she  
wouldn't give it to me.

YP            Well, maybe she would know who the person -

TW            She knows who it is.

YP            But she won't give it to you.

TW            She wouldn't give it to me.

YP            Anyway -

TW            That's one thing she wouldn't give me.

YP            Yeah. But now that I have already been deported,  
there's something that has to be done, otherwise  
on Thursday I have to leave this country, which I  
don't want to do i..

TW            That's the thing. Now you - How accessible are  
you to a telephone?



JPM:ml:  
14

NY 58-2059

YP I can make a call, but you can't make a call  
to me.

TW All right.

YP That's the problem.

TW Can you call me early - very early - tomorrow  
morning?

YP Yes. What time?

TW About 7:00.

YP 7:00 tomorrow morning?

TW Yeah.

YP Okay.

TW All right.

YP You'll be home, right? Same number?

TW I beg your pardon?

YP You'll be at the same number?

TW Yes, I'll be at home.

YP Okay.

JPM:mk  
15

NY 58-2059

TW Oh, no. Wait a minute. Tomorrow's no good.  
Tomorrow she's going to Washington.

YP Right.

TW You should call me Tuesday morning at 7:00.

YP Tuesday morning -

TW Because I'll have no information for you  
tomorrow morning.

YP Okay.

TW What, what information could I possibly have for  
you tomorrow? Unless she comes back and tells me  
that she has done it, or what steps she's proposing  
to take. I can't - there's nothing I can tell you  
tomorrow.

YP Uh-huh.

TW (IA) I missed a day. Today is Sunday

YP Yeah.

TW She's going to Washington tomorrow. You call me  
Tuesday morning at 7:00.

YP Okay. I'll do that.



JPM:mk

16

NY 58-2059

TW But you must call me at 7. No later than that because first of all, this is a matter between you and me and at that time I'm quiet and I can talk

YP Yeah.

TW And secondly because I go - I'm going into the city at half past 7 because I have a 9:00 appointment with my neurologist.

YP Uh-huh.

TW So I'll be leaving at 7:30 the louse. So you must call me at 7.

YP Okay.

TW In fact, if you can call me earlier than 7 it would be even better.

YP Okay.

TW Is it possible?

YP Yeah. I'll call you earlier than 7.

TW Like, say about 6:30?

YP Yeah.

TW Okay.

JPM:mk

16

NY 58-2059

TW But you must call me at 7. No later than that because first of all, this is a matter between you and me and at that time I'm quiet and I can talk

YP Yeah.

TW And secondly because I go - I'm going into the city at half past 7 because I have a 9:00 appointment with my neurologist.

YP Uh-huh.

TW So I'll be leaving at 7:30 the louse. So you must call me at 7.

YP Okay.

TW In fact, if you can call me earlier than 7 it would be even better.

YP Okay.

TW Is it possible?

YP Yeah. I'll call you earlier than 7.

TW Like, say about 6:30?

YP Yeah.

TW Okay.



JPM:mk

17

NY 58-2059

YP           Okay.

TW           All right. Then I expect you to call me Tuesday  
              morning at 6:30.

YP           Yeah.

TW           Okay. Good.

YP           Yeah.

TW           All right. Bye-bye.

YP           Bye.

JPM:ml:

1

NY 58-2059

The following is a transcription of a telephone conversation between YASMIN PIRANI (YP) and TAHEERA WEINSTEIN (TW) on December 7, 1976.

All portions of the conversation that were in a foreign language have been designated Foreign Language.

- Dial Tone -  
- Telephone being dialed-

YP My name is Yasmin Pirani. Today is December 7, 1976. The time is 6:45 AM. I am about to place a telephone call to Taheera Weinstein at telephone number (516) 643-4043.

- Telephone being dialed -

TW Hello?

YP Hello. Taheera?

TW Okay. Wait. I'm going downstairs.

YP Okay.

- Pause -

TW Hello?

YP Yes.

TW

&

YP

Foreign Language



JPM:mk

2

NY 58-2059

TW        Bye-bye.

YP        Bye.

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 vs.

5 TAHERA WEINSTEIN,

6 Defendant.

-----x  
:Before:

:HON. CHARLES M. METZNER, D.J.

:

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:

:

-----x

77 CRIM. 66

8  
9 New York, June 8, 1977

July 25, 1977

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22 STENOGRAPHER'S MINUTES  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA :  
v. :  
TAHERA WEINSTEIN : 77 Cr. 66  
Defendant :  
----- x

June 8, 1977,  
10:15 A.M.

Before:

Hon. Charles M. Metzner,  
District Judge.

Appearances:

ROBERT B. FISKE, JR.,  
United States Attorney  
Southern District of New York,  
Peter N. Duhamel, Assistant U.S. Attorney.  
MARVIN ZEVIN, ESQ.,  
Attorney for Defendant.



1 rdhh

2

2 THE CLERK: United States of America v.  
3 Tahera Weinstein.

4 MR. DUHAMEL: Ready for the government.

5 MR. ZEVIN: I'm for the defendant, I'm ready.  
6 However, my client has not yet appeared.

7 THE COURT: While waiting for her to appear,  
8 I am giving both Mr. Zevin and Mr. Duhamel some forms  
9 to fill out. I have consented to be part of a survey  
10 being conducted by the Judicial Center which is seeking  
11 to get an overall view throughout the country of lawyers  
12 who appear in this court to try cases. It is an anonymous  
13 survey in the sense that your name doesn't appear on it.  
14 As you will see it has judge number 848, case number 03, lawyer  
15 numbers 1 and 2. If you will fill it out and give it to  
16 my chambers in the next couple of days in a sealed  
17 envelope so I don't see it, I would appreciate it.

18 (Pause)

19 MR. ZEVIN: Your Honor, Mrs. Weinstein is presently  
20 in the courtroom.

21 (Pause)

22 THE COURT: Mr. Zevin, your client's first name  
23 is spelled how?

24 MR. ZEIN: T-a-h-e-r-a.

25 MR. DUHAMEL: Then my memorandum is wrong,



1 rdhh

3

2 your Honor.

3 THE COURT: I gather there is an application  
4 to waive a jury?

5 MR. ZEVIN: Yes, sir.

6 THE COURT: Do you have the form signed?

7 MR. DUHAMEL: I'm sorry, no, your Honor, I do not.  
8 I can send my student Assistant right now to have the forms  
9 prepared.

10 THE COURT: I think you have to. How can I  
11 proceed without the waiver on the record?

12 MR. DUHAMEL: If I may use the phone, I could  
13 probably expedite it.

14 THE COURT: You may.

15 (Pause)

16 MR. DUHAMEL: Your Honor, he is on his way  
17 back. If you wish, I will run over and get the forms and be  
18 right back.

19 THE COURT: Yes. We will have a short recess.

20 (Recess)

21 THE COURT: Mrs. Weinstein, is this your signature  
22 on this document?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Mr. Zevin, is this your signature  
25 under Mrs. Weinstein?



1 rdhh

4

2 MR. ZEVIN: Yes, your Honor.

3 THE COURT: Did you witness her signing this  
4 waiver?

5 MR. ZEVIN: Yes, your Honor.

6 THE COURT: This document that you signed,  
7 Mrs. Weinstein, is a waiver of trial by jury of this  
8 indictment against you, do you understand that?

9 THE DEFENDANT: I understand, your Honor.

10 THE COURT: You understand that even though  
11 you waive your trial by jury, the court may impose the  
12 same sentence upon you as if you had been convicted after  
13 trial by a jury, if you are convicted?

14 THE WITNESS: I understand.

15 THE COURT: You have explained the waiver to  
16 Mrs. Weinstein, Mr. Zevin?

17 MR. ZEVIN: Yes, your Honor.

18 THE COURT: Mr. Duhamel, is this your signature?

19 MR. DUHAMEL: Yes, it is, your Honor.

20 THE COURT: I accept the waiver.

21 The government may proceed.

22 MR. DUHAMEL: Thank you, your Honor. Before  
23 I proceed, seated with me is Mr. Miguel Rodriguez, a  
24 student at the University of Michigan Law School and with  
25 the Court's permission I ask that he be allowed to join



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Johnson-direct

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2 me at counsel table.

3 THE COURT: Yes.

4 MR. DUHAMEL: In addition to that, would your  
5 Honor wish me to make an opening statement?

6 THE COURT: No, I will listen to the evidence  
7 and I will know what the case is about.

8 MR. DUHAMEL: The government calls Frank Johnson.  
9

10 F R A N C I S J. J O H N S O N, called as a witness,  
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DUHAMEL:

14 Q Mr. Johnson, by whom are you employed?

15 A The Immigration and Naturalization Service,  
16 U.S. Department of Justice.

17 Q And for how long have you been so employed?

18 A 26 years.

19 Q What is your current position with INS?

20 A I'm a supervisory criminal investigator,  
21 assigned as the Chief of the Investigations Fraud Section.

22 Q And for how long have you held that position?

23 A Since 1971.

24 Q Now, during the course of your official duties  
25 did you have occasion to become involved in an investigation

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Johnson-direct

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2 involving one Yasmin Pirani and one Tahera Weinstein?

3 A Yes, sir.

4 Q To the best of your recollection when was that,  
5 that you first became involved in that?

6 A On or about April 27, 1976.

7 MR. DUHAMEL: Your Honor, may I approach  
8 the witness?

9 THE COURT: Yes.

10 Q Mr. Johnson, I show you what has been marked  
11 as Government Exhibits 1 and 2 for identification and  
12 ask you if you can identify those documents.

13 A Yes, sir.

14 Q And what are they?

15 A These are blank forms relating to alien employment  
16 certification applications. It is a 20 part form.

17 Q Could you explain to the court in general what  
18 their function is?

19 A Yes. An alien who is seeking residence in the  
20 United States on the basis of occupation or employment  
21 would fill out the first portion of this form relating  
22 to qualifications, job experience. A prospective employer  
23 would fill out the second part of the form, which is a job  
24 offer. Then both parts of the form are submitted to the  
25 state employment office for determination as to whether or



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nor the position offered is one that can or cannot be filled from the U.S. labor market; that is, from the citizen or resident alien United States citizens. And additionally determine whether or not the prevailing wages and working conditions are such as are common in the United States.

Q At any point in time were these documents eventually submitted to the Immigration and Naturalization Service?

A Yes, they are, after the State Department of Labor, employment office of the particular state, submits them to the United States Department of Labor and a certification, a labor certification is issued, after that they are submitted to the U.S. Immigration and Naturalization Service in connection with a proceeding to adjust status to that of a permanent resident.

Q Based upon information received during the course of the investigation that you indicated earlier, did you have occasion to search the INS files for any such documents?

A Yes, I did.

Q And what was the result of your search?

A We found no such application on file, no labor certification.

THE COURT: From whom?

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Johnson-direct  
cross

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2 Q Which files did you search?

3 A We searched all files and records relating  
4 to the name Pirani.

5 THE COURT: How do you spell that?

6 THE WITNESS: P-i-r-a-n-i.

7 Q And that is Yasmin Pirani?

8 A Yes, sir.

9 Q And it was searching those files that you were  
10 unable to locate such documents?

11 A That's right, sir.

12 MR. DUHAMEL: No further questions, your  
13 Honor.

14 THE COURT: You may cross-examine.

15 CROSS-EXAMINATION

16 BY MR. ZEVIN:

17 Q I believe you indicated these forms were first  
18 submitted to the state employment agency?

19 A Yes.

20 Q After being submitted to the state employment  
21 agency they are then sent to the U.S. Department of Labor?

22 A Yes.

23 Q What happens following their submission to the  
24 U.S. Department of Labor?

25 A The U.S. Department of Labor will either certify



1  
2 and issue a labor certification indicating that the  
3 position offered is one consonant with the labor certi-  
4 fication requirements of the immigration laws, one that  
5 will not adversely affect wages and working conditions and  
6 position that cannot be filled on the U.S. labor market from  
7 citizens or alien resident resources.

8 Q Once they find that, what do they do with the  
9 papers?

10 A They endorse it with what is commonly called  
11 a labor certification stamp, approving the application  
12 and granting the labor certification.

13 Q And they send the papers to whom?

14 A The papers are returned to the applicant.

15 Q Go on. And what happens next?

16 A Then together with another form, an immigration  
17 form, a petition is submitted by the employer to the  
18 Immigration and Naturalization Service requesting classi-  
19 fication of the alien in terms of the preferences for  
20 the issuance of immigration visas.

21 Q I believe you said that at that stage it  
22 is submission to the Immigration and Naturalization  
23 Service that commences the proceedings?

24 A What proceedings, sir?

25 Q I'm sorry, sir, but during your direct examination :

issue a labor certification indicating that the  
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proceedings, sir?

sorry, sir, but during you

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Q In your investigation  
on behalf of Pirani?

A No, sir.

Q You also received a ce  
registration number I believe?

MR. DUHAMEL: Objection

THE COURT: Sustained.

Q When you conducted your  
your department conducted its inv  
department also given an alien re  
investigate?

A Yes.

Q And did you examine your  
registration number?

A Yes, we did.

Q Now, I believe that the U  
stipulate the number was 820690744.

MR. DUHAMEL: I trust Mr  
that.

THE COURT: All right. Who

MR. DUHAMEL: So stipulat

THE COURT: Pirani's number

MR. ZEVIN: I am about to

Q Whose number was that?

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Johnson-cross

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redirect

2 A We were unable to determine to whom that number  
3 related, if anybody.

4 Q You were unable to relate it to Pirani though,  
5 is that correct?

6 A That's correct.

7 MR. ZEVIN: I have no further questions, your  
8 Honor.

9 MR. DUHAMEL: Just one more, your Honor.

10 REDIRECT EXAMINATION

11 BY MR. DUHAMEL:

12 Q Mr. Johnson, from whom did you receive that  
13 alien registration number?

14 A We were informed of that number by Ms. Pirani.

15 Q And what was her source of it, if you know?

16 A She advised us that the number had been furnished  
17 by Tahera Weinstein.

18 MR. DUHAMEL: No further questions, your Honor.

19 THE COURT: You may step down.

20 (Witness excused)

21 MR. DUHAMEL: Your Honor, the government calls  
22 Yasmin Pirani.

23  
24 Y A S M I N P I R A N I, called as a witness, having  
25 been duly sworn, testified as follows:



## DIRECT EXAMINATION

BY MR. DUHAMEL:

Q Ms. Pirani, are you an American citizen?

A No.

Q Of what country are you a citizen?

A Tanzania.

Q I would ask you to please try to keep your voice up so the Judge, the defendant and defense counsel can hear you.

When did you first come to this country?

A April 4, 1974.

Q What was your status in this country at that time?

A Visitor.

Q Could you be more specific?

A I had a visitor's visa for three months to stay in this country.

Q What was that an I94 form?

A And I94 form.

Q Am I correct at the end of that three-month period, unless you took other action, you would have to leave the country?

A Yes.

Q Did you in fact leave at the end of that first

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three-month period?

A No, I extended my visa.

Q How did you do that?

A By applying or going through the immigration.

Q For how long did you extend it?

A Another three months.

Q And did you have occasion to extend it another time after that?

A Yes.

Q Now, directing your attention to around the end of October of 1974, what was your status with immigration at that time?

A I was legally in the country. I still had my valid visitor's visa.

Q Did you have ocasion around that time to lose some of your documents?

A Yes, I lost my passport and the I94 form.

Q Please try to keep your voice up. You are trailing off somewhat.

THE COURT: Are you saying the end of October you lost your passport?

THE WITNESS: Yes, sir.

THE COURT: And the I94 form?

THE WITNESS: Yes.



1 rdhh Pirani-direct 15

2 Q Now, at that time did you advise immigration

3 of that situation?

4 A I did.

5 Q And what were you told?

6 A I was told that they could do nothing until

7 I had my new passport.

8 Q And did you in fact apply for a new passport?

9 A I did.

10 Q Where did you apply?

11 A In my embassy in Washington, D.C.

12 Q When was your new passport issued?

13 A At the end of February, 1976 -- '75.

14 Q Now, when did you --

15 THE COURT: End of February, '75?

16 THE WITNESS: Yes, your Honor.

17 Q When did you first receive that passport?

18 A I first received that passport in July, some time

19 in July.

20 Q Is that in 1975 also?

21 A Yes.

22 THE COURT: I don't understand this. You applied

23 for the passport and received it in February of '75?

24 MR. DUHAMEL: Your Honor, it was issued in '75.

25 She physically received it in July of '75. My next

question is to ask her to explain the delay.

Q Would you explain to the court the delay in having received it after its issuance.

A Yes. In February when the passport issued I was not in New York City. I was in California. I came back from California in July when I received that passport.

Q Am I correct that the passport was sent from embassy to an address in New York?

A Yes, sir.

Q And that your mail was not being forwarded?

A Yes.

Q So that when you returned from California you physically obtained possession of the passport?

A Yes.

THE COURT: By this time your I94 had run out, hadn't it?

THE WITNESS: Yes, your Honor.

THE COURT: Go ahead.

Q Now, at that time, around July of '75, when you received the passport did you then apply with immigration for another extension of your visa?

A No, I didn't.

Q And why did you not at that time?

A Because I had all the reasons to believe that I



would not get an extension because of the long interval between the issuing of the passport and my receiving it.

Q It was your understanding that you should have done that right away?

A Yes.

MR. ZEVIN: Objection, your Honor.

THE COURT: Overruled.

Q Now, around July or August of 1975 did you know a man by the name of Asahn Kahn?

A Yes, I did.

Q Did you ever have occasion to meet his mother through him?

A Yes, I did.

Q What was her name?

A Mrs. Tahera Weinstein.

Q Do you see her in the courtroom today?

A Yes.

Q Would you please identify her for the court?

A It is the lady sitting with the attorney over there.

MR. ZEVIN: I will concede identify, your Honor.

MR. DUHAMEL: Thank you, Mr. Zevin.

Q When you first met Mrs. Weinstein, where was that?

A It was at a place where she worked, Jean Warehouse. Somewhere on Third Avenue.

1  
2 Q Is it approximately near 23rd Street?

3 A Yes, sir.

4 Q Do you remember the specific date or how specific  
5 can you be as to the date?

6 A I would say it was some time -- it is in July  
7 or August, I really don't remember.

8 Q Of 1975?

9 A Yes.

10 Q And when you first met her who else was present?

11 A Asahn Kahn was present.

12 Q At that time did you engage in a conversation  
13 with Mrs. Weinstein?

14 A Yes, I did.

15 Q During the course of that conversation who was  
16 present?

17 A No one was present.

18 Q Am I correct that Mr. Kahn left you two alone?

19 A Yes, he was not in the room.

20 Q And there was nobody else present?

21 A No.

22 Q Now, in substance what did you say and what did  
23 they say at that time?

24 A Well, I said that I was glad to see her but  
25 it was a pity because I was leaving the country. She asked



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Pirani-direct

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me why was that. I said that my visa had run out and I had no other way of staying. And she said she could help me with that because she had someone in the immigration whom she knew.

Q Did she state more specifically how she intended to help you?

A Not at that time, no.

Q At some time thereafter did you have another conversation on this same topic?

A Yes, we did.

Q To the best of your recollection when was that?

A A couple of weeks later.

Q So we are still approximately August of 1975?

A Yes.

Q Where did that conversation take place?

A Well, she said she would sponsor me because--

Q Excuse me, where did that conversation take place?

A Same place, Jean Warehouse.

Q And was anyone else present at that time?

A No. No one was present.

Q In substance what did you say and what did she say?

A She said that she could sponsor me because she had a private company which she and her husband had. Then she could offer me a job, sponsor me for the

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immigration purpose and get me a permanent residence of  
this state.

Q Now, did you accept her offer?

A Yes, I did.

Q At some point thereafter did you meet with  
her again?

A Yes, I met with her.

Q To the best of your recollection when was that?

A I would say a week later.

Q Would that still be August or perhaps September  
by this time?

A Still August, end of August.

Q And where was that?

A Same place, in Jean Warehouse.

Q Ane was anyone else present?

A No.

Q And in substance what did you say and what  
did she say?

A She had sent for the forms, the job offer forms  
and the permanent residence forms from the immigration.

MR. DUHAMEL: Your Honor, may I approach the  
witness?

THE WITNESS: Yes.

Q Ms. Pirani, I show you what has been marked as



Government Exhibits 1 and 2 for identification and ask you if you have ever seen documents like those before.

A Yes, I have.

Q Could you tell the court when you had seen those?

A Those are the documents Mrs. Weinstein gave me to sign.

Q Did she also give you other documents at that time?

A No, these were the only two documents I ever signed.

Q Could you continue to relate to the court what your conversation was at that time and what happened?

A Well, she gave me the forms to sign and she says she is going to fill out the rest of the things but she was going to sponsor me through her company. She also took some of my certificates, those were the certificates I had obtained from the accounting training in London.

Q Is that like a diploma?

A Yes. She also took my passport and she said there will be -- I will have to pay a particular amount for that, but she said she will tell me later on how much I will have to pay.

Q After you returned those documents, Government's Exhibits 1 and 2 for identification, to Mrs. Weinstein on

1 that occasion, did you ever see those specific documents  
2 again, the ones that you filled out?

3  
4 A No, I never saw them again.

5 Q Now, at some point thereafter did you meet  
6 with her again?

7 A No, I didn't meet with her again but I used  
8 to call her every day, nearly every day to ask her what  
9 happened.

10 Q Well, at that time that you gave her the  
11 applications or the documents did you also give her money?

12 A No, I didn't.

13 Q At some point thereafter did you give her money?

14 A Yes, I did.

15 Q To the best of your recollection when was that?

16 A It was the end of September, I guess the 30th  
17 of September when I gave her \$300.

18 Q And what was the purpose for your giving her \$300  
19 on that occasion?

20 THE COURT: There must have been a conversation.  
21 She just didn't walk in and give her \$300. Ask her  
22 what the conversation was.

23 Q First of all, where was it, where did you give  
24 her the money?

25 A At the Jean Warehouse.



Q And was anyone else present at that time?

A No. No one was present.

Q Did you have a conversation at that time?

A Yes. When I called her -- before I gave her the money I called her and she said that she needed some money to put in her bank to show it to the immigration that she could support me, I mean my salary because she was offering me a job. And she needed this particular \$300 to cover up.

Q And you said that on that occasion, September 30, 1975, you did in fact give her \$300?

A Yes.

Q In what form?

A She requested cash.

Q Did you in fact pay her cash?

A Yes.

Q Where did you obtain the money on that occasion?

A From my savings account.

Q I show you what has been marked as Government's Exhibit 3 for identification and ask you if you can identify that.

A Yes. It is my passbook.

Q Could you be more specific? What passbook?

A My savings account from which I withdraw the money.

Q The money that you eventually gave to Tahera

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Pirani-direct

24

2 Weinstein on September 30, 1975?

3 A Yes.

4 Q And is there a notation in that passbook reflecting  
5 the withdrawal of \$300 at that time?

6 A Yes, there is.

7 Q Now, at some point thereafter did you ever have  
8 occasion to give her any more money?

9 A Yes, that was about a couple of months later  
10 in November.

11 Q First of all, on how many occasions -- was  
12 there more than one occasion after the September 30th  
13 incident that you gave her money?

14 A Two occasions.

15 Q Directing your attention to the first occasion,  
16 where was that?

17 A In Jean Warehouse, same place.

18 Q Do you remember the date on which you gave her  
19 the money?

20 A 6th of November.

21 Q Was anyone else present at that time?

22 A No.

23 Q Did you have a conversation with her at that time?

24 A No. She just said -- yes, I did have a conversation  
25 She said that everything was going smoothly and she will



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Pirani-direct

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2 be having results for me in a couple of weeks.

3 Q Was that a telephone conversation or a face to  
4 face conversation?

5 A Face to face.

6 Q And it was at that time that you gave her money?

7 A Yes.

8 THE COURT: How much?

9 THE WITNESS: \$250.

10 Q In what form?

11 A Cash.

12 Q And where did you obtain the \$250?

13 A From the same savings account.

14 Q And is there a notation in the passbook that  
15 reflects the withdrawal of \$250 on that day?

16 A Yes.

17 Q Now, at some point thereafter you gave her another  
18 amount of money, is that correct?

19 A Yes.

20 Q On what day?

21 A It was a week later, the 12th of November.

22 Q And where was that?

23 A Jean Warehouse.

24 Q Did you have a conversation with her at that time?

25 A No. I was supposed to leave that money with a girl,

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Pirani-direct

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2 the manager over there.

3 Q You say you were supposed to. Did you have a  
4 conversation with her prior to that?

5 A Yes.

6 Q Was that on the telephone or face to face?

7 A On the telephone.

8 Q Do you remember approximately how much before  
9 November 12th you had that conversation?

10 A Just a day before.

11 Q Did you call her or did she call you?

12 A I called her.

13 Q Where did you call her?

14 A Jean Warehouse.

15 Q Had you spoken with her on the phone before  
16 that time?

17 A I used to speak on the phone with her every other  
18 two days.

19 Q Is it fair to state that you had no difficulty  
20 recognizing her voice?

21 A No, I didn't.

22 Q Did she identify herself on the phone as being  
23 Tahera Weinstein?

24 A No.

25 Q But you recognized her voice?



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Pirani-direct

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2 A Oh, yes.

3 Q And in substance what was the conversation  
4 at that time?

5 A She said she needed the other installment  
6 of \$250 and if I could drop it early in the morning because  
7 she was coming in late.

8 Q You say that she asked for the other installment.  
9 At that time or any other time did she explain in more  
10 detail what these installments were for?

11 A No, she didn't.

12 Q Now, at any point thereafter did Mrs. Weinstein  
13 ever return money to you?

14 A Yes, she did, some time in February when I  
15 requested for my \$300 back.

16 THE COURT: February, 1976?

17 THE WITNESS: Yes.

18 Q And in what form did she return the money to you?

19 A She gave me a check.

20 Q I show you what has been marked as Government's  
21 Exhibit 4 for identification and ask you if you can identify  
22 that.

23 A Yes, that's the check which Mrs. Weinstein gave  
24 me back for \$300.

25 Q And this was in February of '76?



1  
2 A Yes.

3 Q Do you remember the specific day?

4 A The 12th of February.

5 Q What did you do with the check she gave you on  
6 that day?

7 A I deposited it in my savings account.

8 Q And what, if anything, happened with that check  
9 that you deposited?

10 A Could you rephrase the question?

11 THE COURT: You deposited the check in your savings  
12 account?

13 THE WITNESS: Yes.

14 THE COURT: Did anything happen to that check  
15 after you deposited it?

16 THE WITNESS: He came back to me with a stop  
17 payment on the check.

18 Q I assume it wasn't you that stopped payment  
19 because it was her check, is that correct?

20 THE COURT: That's a conclusion, isn't it?

21 MR. DUHAMEL: Sorry, your Honor.

22 Q Other than that \$300 check for which payment  
23 was stopped, did at any time she ever return any money to you?

24 A No.

25 Q Toward the end of April of 1976 were you arrested



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Pirani-direct

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2 by immigration agents?

3 A Yes, I was.

4 Q Briefly, could you explain to the court under  
5 what circumstances you were arrested?

6 A Well, they had come to the office where I was  
7 and they were--

8 Q What office was?

9 A At Pasha International.

10 Q P-a-s-h-a?

11 A Yes.

12 Q Would you continue.

13 A They were looking for someone else and they  
14 questioned me but I didn't have any kind of an identification  
15 to show to them. So they took me down to the immigration.

16 Q And at that time did you have a conversation  
17 with them regarding Tahera Weinstein?

18 A Yes, I did.

19 Q As a result of that arrest and that conversation  
20 did there come a time when agents from the FBI contacted you?

21 A Yes, they did.

22 Q And at some point thereafter with your consent  
23 did there come a time when the FBI assisted you in recording  
24 telephone conversations that you had with the defendant,  
25 Tahera Weinstein?



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Pirani-direct

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2 A Yes.

3 Q I show you what has been marked as Government  
4 Exhibit 5 for identification and ask you if you have ever  
5 seen that before. If you wish you can remove it from the  
6 container.

7 A Well, this is a tape of the telephone conversation  
8 between me and Mrs. Weinstein.

9 Q How can you tell that?

10 A Because there is a signature of mine on it and  
11 the date when it was taped.

12 Q Now, your signature, did you make that signature  
13 at a time that you listened to that recording?

14 A Yes.

15 Q And is that sound recording that you now hold  
16 a fair and accurate representation of the conversation  
17 you had on the telephone with Mrs. Weinstein on that date?

18 MR. ZEVIN: Objection.

19 A Yes.

20 THE COURT: All she can tell us is audibility.  
21 I determine what was said.

22 MR. ZEVIN: I don't know when she heard that  
23 tape last. I don't know if that's still the same tape.  
24 She is saying it is the conversation. I don't know how  
25 she can make the statement.



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Pirani-direct

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2 THE COURT: Because she said she initialed it  
3 when she listened to it.

4 MR. DUHAMEL: I can assure the Court--

5 THE COURT: Wait. The witness said that she  
6 initialed the tape when she listened to it.

7 MR. ZEVIN: I may be incorrect --

8 THE COURT: Now we can play the tape and get  
9 the answer.

10 MR. ZEVIN: I believe she said she initialed  
11 the box.

12 THE COURT: Well, I assume she means the container.  
13 This is the way it is normally brought in, Mr. Zevin.  
14 Now we can play it. Do you want to play it?

15 MR. ZEVIN: I have another objection to the tapes.

16 THE COURT: What is that?

17 MR. ZEVIN: I was able to listen to the tapes  
18 with the permission of the United States Attorney. Now,  
19 specifically with the tape of December 4, 1976, that tape  
20 seems to end very abruptly, with no goodbyes or no ending  
21 of the conversation. Apparently we know there must have  
22 been some further conversation because there was another  
23 conversation recorded on December 4th. So with regard  
24 to the tape of December 4th I certainly object to its  
25 admissibility because God knows what was taken off the

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2 tape or was not recorded in that conversation.

3 THE COURT: Wait a second. How many conversations  
4 do you have on this tape?

5 MR. DUHAMEL: On the tape that is presently in  
6 the witness' possession, there are two conversations,  
7 one on October 29th and one on October 30th.

8 THE COURT: Do you object to this tape with  
9 these two conversations, Mr. Zevin?

10 MR. ZEVIN: October 29th and 30th, no, your Honor.

11 THE COURT: All right, so that comes in.

12 MR. DUHAMEL: Thank you, your Honor.

13 Q I show you what has been marked as Government's  
14 Exhibit --

15 THE COURT: October what is it?

16 MR. DUHAMEL: October 29th and October 30, 1976.

17 THE COURT: Exhibit 5 is in.

18 (Government's Exhibit 5 received in evidence.)

xx 19 Q Ms. Pirani, I now show you what has been marked  
20 Government Exhibit 5A for identification and ask you if  
21 you have seen that before.

22 A Yes, I have.

23 Q How can you determine that you have seen that?

24 A Because of my initials and the date. I initialed  
25 each and every page and dated it.



Q What is that?

A That's the transcript of the tape.

Q Of the tape that you just identified as Government Exhibit 5 in evidence?

A Yes.

Q Did you have occasion to read that transcript and compare it with the sound recording contained on Government's Exhibit 5?

A Yes, I did.

Q And is that transcript a fair and accurate representation of the sound recording which is marked Government Exhibit 5 in evidence?

A Yes, it is.

MR. DUHAMEL: I would offer Government's Exhibit 5A.

THE COURT: I listen and I determine what the conversation is, not what the witness tells me is a fair and accurate transcript. I listen to the tape and I determine what that tape says.

MR. DUHAMEL: Fine, your Honor. The purpose for that question is just to determine that according to her recollection it contains the whole conversation.

THE COURT: As she heard it. I will take it but I won't take it in evidence. It is just marked for

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2 identification. It is merely an aid to the trier of the  
3 fact when the jury listens to the transcript.

4 MR. DUHAMEL: That is why I offered the transcript  
5 your Honor.

6 Q Ms. Pirani, I show you what has been marked  
7 as Government's Exhibit 6 for identification and ask you  
8 if you have ever seen that before.

9 A Yes, I have.

10 Q And how can you determine that you have seen  
11 it before?

12 A Because I have my initials and the date on the tape

13 Q And have you listened to that tape before?

14 A Yes, I have.

15 Q And is it a sound recording of a conversation  
16 that you had with Mrs. Weinstein?

17 A Yes, it is.

18 Q On the telephone?

19 A Yes.

20 Q What date was that?

21 A 13th of November, 1976.

22 Q To your knowledge does that tape contain a full  
23 and complete representation of the conversation you had  
24 at that time?

25 A Yes, it does.



MR. DUHAMEL: I offer Government's Exhibit 6, your Honor.

THE COURT: Any objection?

MR. ZEVIN: No, your Honor.

(Government's Exhibit 6 received in evidence.)

THE COURT: I gather that you have seen this Exhibit A for identification, Mr. Zevin.

MR. ZEVIN: Yes, your Honor.

THE COURT: Do you have any objection to its correctness as to reflecting what is on the tape?

MR. ZEVIN: May I have a moment, your Honor?

THE COURT: Surely.

(Pause)

MR. ZEVIN: Your Honor, I believe that 5A -- the portions of 5A that are transcribed here I believe are an accurate transcription. The reason I word it the way I did there are certain portions which are indicated to be inaudible.

THE COURT: And you agree they are inaudible, or can you hear them?

MR. ZEVIN: I might add one or two words, your Honor, but I don't think they are significant.

THE COURT: Now we are up to Plaintiff's Exhibit 6 and that's in evidence. Next question.

MR. DUHAMEL: Quite frankly I lost my thread.  
I think I was just beginning to identify 6A.

Q I show you what has been marked as Government's Exhibit 6A for identification. I ask you if you have seen that before?

A Yes, I have seen it before.

Q And how can you tell that?

A Because each and every page is initialed by me and dated.

Q At the time that you saw that document, did you have occasion to also listen to the sound recording which is marked as Government's Exhibit 6 in evidence?

A Yes.

Q Did you have an opportunity to compare that transcript to that tape?

A Yes, I did.

Q And to your knowledge is that a fair and accurate representation of the tape?

A Yes, it is.

MR. DUHAMEL: Your Honor, I merely wanted to note for the record that at the time Mr. Zevin was allowed to listen to the tapes, the defendant, Mrs. Weinstein, was also present and she has had an opportunity to listen. That becomes relevant only because certain portions of the tapes



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2 are in a foreign language. I think it is a language with  
3 which Mr. Zevin, including myself, are not fluent.

4 Thank you, your Honor.

5 Q I show you what has been marked as Government  
6 Exhibit 7 for identification and I ask you if you have  
7 seen that exhibit before.

8 A Yes, I have.

9 Q And when was that?

10 A That was the 26th of May, 1977.

11 Q Now, at that time did you have occasion to  
12 listen to that?

13 A Yes, I did.

14 Q And what is it?

15 A It is a telephone conversation between me and  
16 Mrs. Weinstein on November 20, 1976.

17 Q And that specific exhibit is a sound recording  
18 of that conversation, is that correct?

19 A Yes.

20 Q To your knowledge and your best recollection  
21 is that sound recording a fair and complete and accurate  
22 representation of the conversation which you had on that  
23 occasion?

24 A It is.

25 MR. DUHAMEL: I offer Government's Exhibit 7.

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2 THE COURT: Any objection?

3 MR. ZEVIN: I believe Government's Exhibit 7,  
4 your Honor, does include portions which are in a foreign  
5 language, and a certain portion of that, I believe, is  
6 inaccurately transcribed.

7 THE COURT: I don't understand what you mean  
8 by that.

9 Let me see a copy of Exhibit 7A.

10 (Pause)

11 THE COURT: You object to the translation, I gather.

12 MR. ZEVIN: Yes, your Honor.

13 MR. DUHAMEL: I agree. Mr. Zevin brought something  
14 to my attention. At the beginning of 7A there is a notation,  
15 as a prelude, that all the conversations that were in a  
16 foreign language are within brackets. However, I have  
17 just noticed a typographical error. Not all such conver-  
18 sations are within brackets. It would become obvious  
19 in comparing it with the tape but it is not obvious from  
20 reading it.

21 THE COURT: You mean there are more portions  
22 that should be in brackets than are in brackets?

23 MR. DUHAMEL: That's correct, your Honor. However,  
24 the transcript is full and complete as far as the trans-  
25 lation is concerned. It is merely in error in that it does



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2 not accurately reflect --

3 THE COURT: What sections should be put in brackets,  
4 do you know?

5 MR. DUHAMEL: Off the top of my head, I don't know.

6 THE COURT: It is not coming in anyhow.

7 MR. DUHAMEL: If I may, your Honor, I wish  
8 to just demonstrate that she has compared it --

9 THE COURT: First of all, Plaintiff's Exhibit 7  
10 is not in yet, is it?

11 THE CLERK: No, your Honor.

12 THE COURT: Offer 7.

13 MR. DUHAMEL: Yes, your Honor.

14 THE COURT: Any objection to 7, the tape?

15 MR. ZEVIN: No, your Honor.

16 (Government's Exhibit 7 received in evidence.)

17 MR. DUHAMEL: I will give to your court clerk  
18 at this time copies of all transcripts and the Court may  
19 use them as it wishes.

20 MR. ZEVIN: Your Honor, I wish to somewhat  
21 amend my statement. They're being offered into evidence,  
22 there has been no showing of continuity of possession on  
23 these tapes. I am for the moment conceding they were taken  
24 with the permission of Ms. Pirani. I don't know whether  
25 she has retained them through this time. Obviously she hasn't

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2 retained them.

3 THE COURT: She says as far as this last one is  
4 concerned, she listened to it a couple of days ago and it  
5 is an accurate reproduction of her conversation.

6 MR. ZEVIN: I have an ambiguity there. I don't  
7 know the answer. She did indicate she listened to the tape,  
8 compared it to the transcript and the transcript is a fair  
9 and accurate representation of the tape. I don't know that  
10 she ever testified that the tape itself is an accurate  
11 transcription of the conversation.

12 THE COURT: She may not have done it as to 7  
13 because she was not asked it but she did it for 5 and 6.

14 Ask her the question.

15 Q As far as Government's Exhibit 7, which you  
16 identified as being a conversation which you had with Mrs.  
17 Weinstein, to your knowledge and recollection is that sound  
18 recording a fair, complete and accurate representation of  
19 the conversation you had with Mrs. Weinstein on that occasion

20 A It is.

21 MR. DUHAMEL: It was my intention to play all  
22 the tapes together at the end. If the Court is troubled  
23 by the objection, we can do it it now.

24 THE COURT: I am not troubled by the objection.

25 MR. DUHAMEL: Is that received, Exhibit 7?



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2 THE COURT: 7 is in, yes.

3 Q As far as Government's Exhibit 7A  
4 tion is concerned, can you identify that exh

5 Yes. It is the translation of the  
6 conversation.

7 Q The conversation which is Governmen

8 A Yes.

9 THE COURT: What are we going to do  
10 the part in the foreign language? First of all  
11 language is it?

12 MR. DUHAMEL: Urdu, an Indian and P  
13 dialect. They have been translated by an inte  
14 who is unavailable unfortunately, and that is  
15 the tapes available to Mr. Zevin and Mrs. Wein

16 THE COURT: Do you object to the port  
17 transcripts that show the translation?

18 MR. ZEVIN: To certain of the tapes a  
19 portions, yes, your Honor. In particular, if we  
20 to look at 7A, I believe somewhere in the middl  
21 there is an inaccurate translation of the foreig  
22 If I may go on, in the final tape, which has not  
23 introduced, we submit that a large portion of it  
24 properly transcribed.

25 THE COURT: Transcribed or translated?



1                   MR. ZEVIN: Translated, I'm sorry. I was  
2                   advised by Mr. Duhamel that he has given me a revised  
3                   translation. Number 1, I have not been able to read it yet.  
4                   I don't know how I would compare it if I were able to  
5                   read it.  
6

7                   THE COURT: I assume your client can give you her  
8                   version of the translation, can't she?

9                   MR. ZEVIN: Well, I don't know if she can remember  
10                  either the tape that was listened to last week or the  
11                  conversation that was had.

12                  THE COURT: We can sit here and listen to it.

13                  MR. ZEVIN: That we can.

14                  MR. DUHAMEL: As far as that tape is concerned,  
15                  the government will reserve offering it in evidence until  
16                  they have had an opportunity to compare it.

17                  THE COURT: We are only through the conversation  
18                  of November 20th, Mr. Zevin.

19                  MR. DUHAMEL: If I may note, your Honor, Mr.  
20                  Zevin did bring two word changes to my attention on  
21                  another transcript which were incorporated as per his  
22                  suggestion.

23                  MR. ZEVIN: Those were in English, your Honor.

24                  THE COURT: All right, let's go on. We are  
25                  up to 7. I gather there is no objection to tapes 5, 6 and 7,



1 and there are no suggested changes in the transcripts  
2 of 5A, 6A and 7A.  
3

4 MR. ZEVIN: In 7A there was one portion that  
5 was in a foreign language, which I believe was inaccurately  
6 translated.

7 THE COURT: Which is that? Indicate for the record  
8 by page number and line.

9 MR. ZEVIN: It is on page 3. Last week I had  
10 indicated this to the United States Attorney's office.  
11 It is near the bottom, where it says "TW, for Tahera  
12 Weinstein," if in part she has to say. That paragraph,  
13 I believe, was inaccurately transcribed.

14 THE COURT: What do you think it should be?

15 MR. ZEVIN: At this stage I don't remember  
16 what it should be.

17 THE COURT: Well, all right, in the recess  
18 discuss it with your client. Let's go on. We have three  
19 tapes in and two transcripts without objection. Do you  
20 have any further tapes you are going to offer?

21 MR. DUHAMEL: Yes, your Honor, three more.

22 THE COURT: Offer them.

23 BY MR. DUHAMEL:

24 Q I show you Government's Exhibit 8 for identification  
25 and I ask you if you have seen that exhibit before.



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1  
2 A Yes, I have.

3 Q And how can you tell that?

4 A Because I have initialed it the day I had seen it.

5 Q And what is that?

6 A It is a tape conversation, telephone conversation  
7 between me and Mrs. Weinstein.

8 Q And on what day did that conversation take place,  
9 the original conversation?

10 A 4th of December.

11 Q Of 1976?

12 A Yes.

13 Q And you said you had an opportunity to listen  
14 to that exhibit, that sound recording?

15 A Yes, I did.

16 Q And to your recollection and your knowledge  
17 does that sound recording fairly, accurately and completely  
18 represent the conversation which occurred on that day  
19 between you and Mrs. Weinstein?

20 A Yes, it does.

21 MR. DUHAMEL: I offer Exhibit 8, your Honor.

22 THE COURT: Any objection to 8?

23 MR. ZEVIN: Yes, your Honor. My objection to  
24 Exhibit 8 is that it does not appear to be a completed  
25 conversation or a complete conversation. Listening to it las



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2 week and following it along with the transcript, it ends  
3 very abruptly.

4 THE COURT: There is only one way I can decide it,  
5 is listening to it. So why don't you reserve your objection,  
6 or I will reserve my decision on your objection until  
7 after I have had an opportunity to listen to it.

8 MR. ZEVIN: May I add one other factor? There  
9 was another conversation on December 4th which I don't  
10 believe the United States Attorney is going to enter  
11 into evidence. It is perhaps irrelevant for proof in this  
12 case or immaterial, but I think it does have significance  
13 in terms of whether or not the tape per se has somehow  
14 been obliterated, because it is a conversation on the  
15 same date which I believe preceded or resulted or which  
16 was as a result of the earlier conversation on December 4th.

17 Let me withdraw that. The conversation which  
18 is sought to be introduced was on December 4th at approxi-  
19 mately 9:10 A.M. Later on December 4th, at approximately  
20 11:25 A.M., there was another telephone call made. It  
21 is difficult for me to understand that unless there was  
22 further conversation than the early morning conversation  
23 which led to that later on, and that's why I am indicating  
24 that not only does the conversation end abruptly but  
25 I think there had to be more conversation than is shown in



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2 the transcrip...

3 THE COURT: We will pass upon that when I listen  
4 to the tapes.

5 There is an objection ot Exhibit 8 and I  
6 reserve decision on it.

7 MR. DUHAMEL: I do wish to note for the record  
8 that there are three other tapes of sound recordings within  
9 the possession of government which have been made available  
10 to defense counsel. The government does not intend to  
11 introduce them because on those recordings either there  
12 was no answer made in Ms. Pirani's attempt to call Mrs.  
13 Weinstein or an answer was made but not by Mrs. Weinstein,  
14 as she was unavailable, and there was no conversation.

15 MR. ZEVIN: I might also add, your Honor, I  
16 believe there was a fourth tape for another day which  
17 was not made available to defense counsel at the time I  
18 was in the United States Attorney's office because that  
19 tape was apparently missing. That's a September, 1976,  
20 conversation.

21 MR. DUHAMEL: He mentioned that before and I  
22 am not sure of the source of his information. I believe  
23 his client believes there was another conversation recorded.  
24 But me personally after having inquired am not aware of  
25 any such tape recording.



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2 THE COURT: If he says that, then none was taken,  
3 Mr. Zevin.

4 MR. ZEVIN: Initially let me say this: the date  
5 of September, '76, must have come from some government  
6 authority. It wasn't my client who was telling me that  
7 I had another conversation with her in September. I will  
8 go through the 3500 made available to me. I think it is  
9 also noted in there. So during the recess perhaps I  
10 can find it.

11 THE COURT: What else are you offering after  
12 Exhibit 8?

13 MR. DUHAMEL: Not offering but we wish to estab-  
14 lish ground work.

15 BY MR. DUHAMEL:

16 Q I show you what has been marked Government  
17 Exhibit 8A for identification and ask you if you have seen  
18 that before.

19 A Yes, I have.

20 Q How can you determine that you have seen that  
21 exhibit before?

22 A Because I have initialed and dated it the date  
23 I saw it.

24 Q What is that exhibit?

25 A It is the transcript of the tape, Exhibit 8.



1           Q     And did you have an opportunity to compare that  
2 transcript at a time when you were listening to sound  
3 recording contained on Government's Exhibit 8?  
4

5           A     Yes, I did.

6           Q     And to the best of your recollection and knowledge  
7 does that transcript fairly, accurately and completely  
8 reflect the conversation that occurred on that day that  
9 is recorded on Government's Exhibit 8?

10          A     Yes.

11               THE COURT: I am not admitting this.

12           MR. DUHAMEL: I am not offering it, your Honor.

13           THE COURT: But do you understand, Ms. Pirani,  
14 that the defendant says that the tape, Exhibit 8, is not  
15 a complete tape of the conversation or is it not a tape  
16 of the complete conversation?

17               (Pause)

18          A     I don't recall. I think that's how the conversation  
19 ended.

20           THE COURT: When did you listen to Exhibit 8?

21           THE WITNESS: 26th of May.

22           THE COURT: So that was two weeks ago.

23           THE WITNESS: Yes.

24           THE COURT: And you say that you think that  
25 Exhibit 8, the tape, is a tape of the complete conversation?



THE WITNESS: Yes.

THE COURT: All right. Ms. Pirani will be here while we listen to this tape.

MR. DUHAMEL: She will be available in my office.

THE COURT: We will let her listen while we listen.

Q I show you what has been marked Government Exhibit 9 for identification. I ask you if you have seen that before?

A Yes, I have.

Q And how can you determine that you have seen it before?

A Because they have my initials the day I saw it, and the date.

Q You personally initialed it?

A Yes.

Q On that date did you have occasion to listen to it?

A Yes.

Q What is that exhibit?

A It is a telephone conversation between me and Mrs. Weinstein on December 5, 1976.

Q And am I correct that that exhibit is a sound recording of that conversation?

A Yes.

Q And having had an opportunity to listen to that,

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2 is it your testimony that sounding recording is a fair,  
3 accurate and complete representation of the conversation  
4 to the best of your recollection?

5 A Yes, it is.

6 MR. DUHAMEL: I offer Exhibit 9, your Honor.

7 THE COURT: What about this one, Mr. Zevin?

8 MR. ZEVIN: I don't believe there were any  
9 things on this one which I found to be inaccurate.

10 THE COURT: 9 is received.

xx 11 (Government's Exhibit 9 received in evidence.)

12 Q I show you what has been marked as Government's  
13 Exhibit 9A for identification and I ask you if you have  
14 seen that before.

15 A Yes, I have.

16 Q How can you determine that you have seen it  
17 before?

18 A Because I initialed them the day I saw it.

19 Q And what is that exhibit?

20 A A translation of the tape, a conversation  
21 between me and Mrs. Weinstein on December 5, 1976.

22 Q Does that relate to Government's Exhibit 9?

23 A Yes.

24 Q Have you had an opportunity to compare that  
25 transcript to that tape?



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2 A Yes, I have.

3 Q And is it your testimony that that transcript  
4 is a fair, complete and accurate transcription of the  
5 recording that was made at that time?

6 A Yes.

7 Q I show you what has been marked as Government  
8 Exhibit 10 for identification. I ask you if you have seen  
9 that before?

10 A Yes, I have.

11 Q How can you determine that?

12 A Because I initialed it the day I saw it.

13 Q And on that day did you have occasion to  
14 listen to that?

15 A Yes, I did.

16 Q And could you tell the court what that exhibit is?

17 A Yes. It is a tape of a telephone conversation  
18 between me and Mrs. Weinstein on December 7, 1976.

19 Q Now, in listening to that sound recording  
20 is it fair to say that that is a fair, complete and  
21 accurate sound recording or representation of the conver-  
22 sation you had on December 7, 1976, with Mrs. Weinstein?

23 A Yes, it is.

24 MR. DUHAMEL: I offer Government's Exhibit 10,  
25 your Honor.

THE COURT: Any objection, Mr. Zevin?

MR. ZEIN: No, sir.

(Government's Exhibit 10 received in evidence.)

Q I show you Government's Exhibit 10A for identification and I ask if you have seen that before.

A Yes, I have.

Q And how can you determine that?

A Because I have initialed them the day I saw it.

Q And what is that?

A It is the translation of the conversation between me and Mrs. Weinstein on December 7, 1977.

Q You say translation. Is it a transcription which contains translations?

A Yes.

Q Have you had an opportunity to compare that transcript with the sound recording which is Government's Exhibit 10 in evidence?

A Yes, I have.

Q And is that transcript a fair, accurate and complete representation of the sound recording, Government's Exhibit 10?

A Yes, it is.

MR. ZEVIN: Your Honor, there are two transcription of that particular tape. I don't know which one Ms. Pirani is



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2 looking at.

3 THE COURT: You can look at it during the  
4 recess. I am not taking them anyhow as evidence. But if you  
5 want to make sure that the right transcript is going to be  
6 used by me, take a look at it during the recess.

7 Does that finish the tapes now?

8 MR. DUHAMEL: Yes, it is.

9 THE COURT: Do you have much more on direct  
10 with the witness?

11 MR. DUHAMEL: About two and a half minutes, your  
12 Honor.

13 THE COURT: Go ahead.

14 BY MR. DUHAMEL:

15 Q Ms. Pirani, during the course of these recorded  
16 conversations that you just testified about with Mrs. Weinstein  
17 am I correct that you occasionally spoke in a foreign  
18 language?

19 A Yes.

20 Q And what language was that?

21 A Urdu, it is an Indian language.

22 Q A dialect of an Indian language?

23 A Yes.

24 Q Is it fair to state that both you and Mrs. Weinstein  
25 are fluent in that language?

1  
2 A Yes.

3 MR. ZEVIN: I don't know how she can determine  
4 Mrs. Weinstein is fluent in that language.

5 THE COURT: If I talk to you in English 75 times,  
6 don't you think I am fluent to determine whether you speak  
7 English or not?

8 MR. ZEVIN: Yes, but I don't think she heard  
9 Mrs. Weinstein 75 times.

10 THE COURT: She has already given us 1, 2, 3, 4, 5,  
11 and did you speak to her in Urdu the times you spoke  
12 to her personally?

13 THE WITNESS: I did, quite often.

14 THE COURT: We have at least 12 conversations.  
15 I think that is sufficient.

16 Q Ms. Pirani, who initiated the parts of the conver-  
17 sations that were spoken in Urdu, did you start or did she?

18 A Mrs. Weinstein started.

19 MR. ZEVIN: Objection.

20 THE COURT: Overruled.

21 Q What was the answer?

22 A Mrs. Weinstein.

23 Q Did she ever explain to you why she was speaking  
24 in Urdu?

25 A Yes, before when she agreed to help me and I



used to call her at her place, she told me --

MR. ZEVIN: Objection. It has nothing to do with this case, your Honor.

THE COURT: Overruled. It may be an attempt to conceal.

MR. ZEVIN: But not with regard to this matter.

THE COURT: Well, I gather that's what the answer is going to be. Let's find out. You can move to strike the answer after it is given.

Q Please continue, Ms. Pirani.

A When she agreed to help me out with my papers and I used to call her, as I said I used to call her quite often. I used to call her at her place and she said it would be better off if we spoke in Urdu because it was a private matter between her and me and she didn't want her sons or husband to know about it.

MR. DUHAMEL: No further questions of this witness.

THE COURT: We will take a short recess.

You say you submitted your application for a new passport to your embassy. What was your embassy?

THE WITNESS: Tanzania Embassy.

THE COURT: All right.

MR. DUHAMEL: May I have one more question, your



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2 Honor? I just remembered something.

3 THE COURT: Yes.

4 BY MR. DUHAMEL:

5 Q During the course of your conversations with Mrs.  
6 Weinstein did you ever describe yourself in talking with  
7 anyone as her niece?

8 A Yes, I did.

9 Q Would you explain to the court why you did that.  
10 First of all, are you her niece?

11 A No.

12 Q Would you explain to the court why you did that?

13 MR. ZEVIN: Objection.

14 THE COURT: Overruled.

15 A Because I used to go very often to Jean Warehouse  
16 to see her and she said that her bosses didn't like any  
17 of the friends, employees were not allowed to bring any  
18 visitors. She said that she has told them that I am her  
19 niece so I would be allowed to go and see her job.

20 Q And did you have occasion to describe yourself  
21 as her niece during phone conversations with anyone?

22 A Yes. When the secretary or the operator picked  
23 up and said who is calling, I used to say her niece.

24 MR. DUHAMEL: No further questions.

25 THE COURT: We will have a recess.



2 (Recess)

3 (Tape played)

4 (In open Court.)

5 THE COURT: Proceed. What's happening?

6 MR. DUHAMEL: I think presently the tape  
7 numbered 8, which the Court has reserved its decision on,  
8 until the Court has an opportunity to listen to it, and  
9 I believe Mr. Zevin is withdrawing his objection to transcrip  
10 10A after having an opportunity to compare it with Government  
11 Exhibit 10.

12 THE COURT: Do you want to cross-examine the  
13 witness before we play these tapes?

14 MR. ZEVIN; No, your Honor. I have no objection  
15 to the tapes being played.

16 THE COURT: Play the tapes.

17 MR. DUHAMEL: Your Honor, do you wish the  
18 government transcript exhibits?

19 THE COURT: All right. You are playing tape  
20 number 5?

21 MR. DUHAMEL: That's correct, the conversation  
22 on October 29th and 30th.

23 (Government's Exhibit 5 is played for the court.)

24 (Pause)

25 MR. DUHAMEL: Your Honor, I am now playing



Government's Exhibit 6 in evidence.

(Government's Exhibit 6 in evidence is played for the court.)

(Pause)

MR. DUHAMEL: I am now going to play Government's Exhibit 7 in evidence.

(Government's Exhibit 7 in evidence is played for the court.)

(Pause)

MR. DUHAMEL: Your Honor, I will now play Government's Exhibit 8 for identification, as to which there is an objection pending.

(Pause)

MR. DUHAMEL: I am afraid I will have to rewind this tape.

THE COURT: We will have to take a recess because I have another matter.

(In open court)

THE COURT: You may proceed.

MR. DUHAMEL: I will now play Government's Exhibit 8 for identification.

(Government's Exhibit 8 for identification is played for the court.)

THE COURT: It does seem as though it ends abruptly.



1  
2 Didn't you say goodye to her?

3 THE WITNESS: As far as I can recall, I think  
4 that's how it ended.

5 THE COURT: Don't even hear anybody hanging up.

6 MR. DUHAMEL: We asked Ms. Pirani about that  
7 and it was her recollection that was the end of the conver-  
8 sation. Perhaps they shut it off prematurely instead of  
9 waiting for the phones to be hung up.

10 THE COURT: I will take it in. It is obvious  
11 whatever could be following can't be much and I don't see  
12 how it can change what has already been said.

13 MR. ZEVIN: I don't argue, your Honor. I have  
14 no idea what the conversation is.

15 THE COURT: Objection is overruled.

16 (Government's Exhibit 8 is received in evidence.)

17 MR. DUHAMEL: Perhaps to clarify matters,  
18 if I could ask the witness one question now relating to a  
19 statement made on that tape.

20 THE COURT: Yes.

21 BY MR. DUHAMEL:

22 Q Ms. Pirani, during the course of the conversation  
23 that you just heard you made reference to having received  
24 a letter from a Mr. Johnson at INS, is that correct?

25 A Yes.



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Pirani-direct

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Q Did you in fact receive such a letter?

A No, I didn't.

Q Would you explain to the court why you said that to Mrs. Weinstein on that occasion?

A Well, I was informed by the FBI that they had put such a letter in my file in the immigration to see if Mrs. Weinstein had any access to my file in immigration.

MR. DUHAMEL: Thank you very much.

I will now play Government's Exhibit 9 in evidence, your Honor.

(Government's Exhibit 9 in evidence is played for the court.)

MR. DUHAMEL: May I ask the witness one more question?

THE COURT: Yes.

BY MR. DUHAMEL:

Q In the conversation that you just heard, Ms. Pirani, you made reference to a certain number that you gave to Mrs. Weinstein. What was the source of that number?

A I was given it by Mr. Jack Mullaney, the FBI agent.

Q And that was in accordance with the scheme regarding the letter?

A Right.

MR. DUHAMEL: I am now playing the last tape,



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2 Government's Exhibit 10 in evidence.

3 (Pause)

4 MR. DUHAMEL: According to the transcript, did  
5 I cut off tape 9 prematurely?

6 THE COURT: You still have more to go.

7 MR. DUHAMEL: I'm sorry, your Honor..

8 (Government's Exhibit 9 in evidence is continued  
9 to be played for the court.)

10 MR. DUHAMEL: The government has no further questic  
11 your Honor.

12 THE COURT: That's 9. What about 10?

13 MR. DUHAMEL: I thought that was 10, your  
14 Honor.

15 THE COURT: That was 9. Unless you don't need it.

16 MR. DUHAMEL: Government Exhibit 10 is  
17 12/11/76.

18 (Government's Exhibit 10 in evidence is  
19 played for the court.)

20 MR. DUHAMEL: I believe the transcript you  
21 have has been amended by the one marked "copy." I believe  
22 that is the more recent one. There was a part that was  
23 summarized, which was brought to my attention by Mr. Zevin.  
24 Sorry for the interruption.

25 (Government's Exhibit 10 in evidence continued

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Pirani-direct

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to be played for the court.)

THE COURT: I suggest we suspend for lunch  
until 2:30.

(Luncheon recess)



## AFTERNOON SESSION

2:30 P.M.

(In open court)

THE COURT: You may proceed.

Y A S M I N P I R A N I, resumed.

## CROSS-EXAMINATION

BY MR. ZEVIN:

Q Ms. Pirani, you indicated that you had sent away for some papers and when you got them you signed then and gave them to Mrs. Weinstein, is that correct?

A No, I didn't send for the papers. She sent for the papers.

Q I see. Did she give you the papers?

A Yes. I went to her office, she gave me the papers and she showed me where to sign it, I signed it, and she said she would fill in the rest of it.

Q And you signed both papers?

A Yes.

Q I show you Exhibit 1 for identification. You have seen that before?

A Yes.

Q Could you show me where you signed it?

A Okay.



2 (Pause)

3 A Right here (indicating)

4 MR. ZEVIN: The witness has pointed --

5 THE COURT: Why don't you put an X mark in  
6 red.

7 Let the witness put an X mark where she signed  
8 it.

9 (The witness complies)

10 Q I show you Government's Exhibit 2 for  
11 identification. Could you show me where you signed that  
12 one?

13 A I don't think I signed this paper. I just  
14 filled out whatever she wanted to know about me.

15 Q So when you said you signed papers, that was  
16 not accurate?

17 A That means I signed that paper. That paper  
18 didn't need any signing. I just filled in whatever she  
19 told me to do.

20 Q You didn't need my signature.

21 MR. ZEVIN: May I see Government's Exhibit 4  
22 for identification?

23 MR. DUHAMEL: Yes (handing).

24 Q To refresh your recollection, that's a \$300 check.

25 A Yes.



1  
2 Q Is it not true that when you asked for the  
3 \$300, you needed money to go to Canada?

4 A I couldn't go to Canada because I had no  
5 papers to leave the United States.

6 THE COURT: That isn't the question.

7 THE WITNESS: No, it was not for funds to go  
8 to Canada.

9 Q Does your brother or relative live in Canada?

10 A Yes, I have a sister in Canada.

11 Q And wasn't this about the anniversary of your  
12 father's death?

13 MR. DUHAMEL: Objection, your Honor. Relevancy.

14 THE COURT: Overruled. He is cross-examining  
15 her on the basis of the \$300, that it was not for  
16 the purpose of paying for this visa --

17 THE WITNESS: Yes, yes, yes. I did tell her  
18 I wanted the money back because I wanted to send it to my  
19 sister in Canada. You are right, yes.

20 Q And she then gave you this check for \$300?

21 A Yes, she did.

22 Q And that was late on Friday afternoon, was it not?

23 A I don't recall the day.

24 Q Was it late in the afternoon?

25 A I guess so.



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Pirani-cross

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Q And you took the check to the bank, is that not true?

A I next day I deposited it in the bank, yes.

Q The next day you deposited it in the bank?

A Well, if it was late afternoon, I couldn't go to bank until the next morning.

Q Would you first look at the front of the check. What date is on that check?

A Could be the 12th or the 18th.

Q And when she gave you the check, was that the date she gave you the check on, without looking at the bank of the check, Ms. Pirani?

A Yes, this was the date she gave me the check.

Q What date is on the back of the check?

A The 13th of February.

Q What date?

A 23rd of February.

Q Was that the day after you received the check?

A No. There are two dates. There is the 23rd of February and there is the 24th of February.

Q What date did you receive the check?

A Well, I think it is 18th of February.

Q And did you go to the bank the next day?

A Yes, I did. I deposited it the next day, yes.



1  
2 Q But the date on the back of the check, the  
3 bank date is February 23rd?

4 A Yes.

5 Q Is it not a fact, Ms. Pirani, you went  
6 back to Mrs. Weinstein the day you received the check  
7 and indicated the banks had closed and asked her to give  
8 you \$300 in cash?

9 A No, I didn't go.

10 Q You did not?

11 A No.

12 Q And you are telling me you never received \$300  
13 in cash?

14 A I never received any money.

15 Q At any time?

16 A At any time.

17 Q When you worked for Pasha, what period of time  
18 did you work for Pasha International?

19 A I didn't work for Pasha for money, but I  
20 was with them since I came to the United States.

21 Q You say you did not work for Pasha for money?

22 A No, I wasn't getting paid.

23 Q You were not getting paid by Pasha?

24 A No.

25 THE COURT: What sort of business is Pasha in?

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Pirani-cross

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THE WITNESS: They were manufacturers of eastern clothing.

Q At no time did you get paid by Pasha? At no time did Pasha International pay you?

A No.

Q Ms. Pirani, do you recognize this statement, which is part of the 3500 material provided me by the government, and the front page says "Record of deportable alien."

Do you recognize the statement? Is that your handwriting?

A No.

Q It is not?

A No. It is the handwriting of the immigration investigator.

Q Did you sign that statement?

A Yes, I did.

Q Did you read it before you signed it?

A Yes, I did.

Q I am reading your statement now, "I presently work as a sales manager at Pasha International, 235 Fifth Avenue, New York City. I earn \$125 a week."

Is that true?

MR. DUHAMEL: I object to the form. I think



he should first be asking if she told the agents that.

THE COURT: Her signature is on it. She signed the statement.

MR. DUHAMEL: Withdraw the objection.

A Yes, I did tell them that.

Q Is it true?

A No, it is not.

Q Ms. Pirani, for what period of time did you work for Pasha International?

A Like I said, I have been with them since I entered United States.

THE COURT: How long have you been with them?

THE WITNESS: About three years.

Q And that would be from 1974, 1975 and 1976?

A Yes.

Q While you were with them but not paid by them, did you have any other job?

A No.

Q Did you have any other source of income?

A No.

Q You did not?

A No.

Q Ms. Pirani, looking at Government's Exhibit 3 for identification, which is your bankbook, on July 3rd of



1975 it shows a \$200 deposit. What was the source of the \$200?

A I had it. It was like pocket money for me. I used to take as much money as I wanted from them.

Q From whom?

A From Pasha International.

Q As much as you wanted?

A Yes. I would just request to them that I wanted so much money.

Q And there was no limit?

A There was no limit. If they could afford it, they gave it to me.

THE COURT: Who is this Pasha?

THE WITNESS: They are very personal friends of mine from back home. It is like a family.

THE COURT: You worked there and you got as much money as you wanted, any time you wanted but they didn't pay you.

THE WITNESS: No. Legally I couldn't work.

THE COURT: But you were, weren't you?

THE WITNESS: I wasn't working, I was helping them.

THE COURT: And you were getting paid for it?

THE WITNESS: I wasn't getting paid. There



was no exchange for my work.

Q Ms. Pirani, where did you live during this period of time?

A I lived at three or four different addresses.

Q Did you pay rent at these three or four different addresses?

A The rent was paid by them. I used to live with them.

Q So they paid the rent?

A Yes.

Q Who paid for the food?

A They paid for the food.

Q At all three or four addresses?

A Yes.

Q What were the addresses?

A Well, one was 60 East 8th Street, 49 West 8th Street, 51 West 8th Street, and one was in Westchester.

Q Did they also pay your expenses when you were in California?

A Yes. I traveled with them as a matter of fact.

Q How long were you in California?

A More than six months, I guess.

Q When were you in California?

A It was some time in the beginning of '75.

1 Q In the middle of '75?

2 A Beginning of '75.

3 Q When did you get back from California?

4 A Some time in June or July. I don't remember  
5 very well.

6 Q On 14 July there is a \$475 deposit to your  
7 savings deposit. Where did that money come from?

8 A I must have had it with me.

9 Q On the 16th of July, two days later, there  
10 is an \$80 deposit. Where did that come from?

11 A Still, it must be my pocket money.

12 Q On 31 July there is a \$300 deposit. Where  
13 did that come from?

14 A Same source.

15 Q On the 5th of August there is a \$100 deposit.  
16 Where did that come from?

17 A Same source.

18 Q Ms. Pirani, from the 20th of June, 1975,  
19 to the 5th of September, 1975, there were deposits of over  
20 \$2,000 in your savings account. Was that all just pocket  
21 money you happened to have?

22 A I must have needed it for something. I must  
23 have requested it from them, to give it to me.

24 Q When did you use it?



1 A I have no idea.

2 Q On October 10, 1975, you withdraw \$200  
3 from the bank. What did you do with it?

4 A I don't remember. I could have done anything.

5 Q On November 12, 1975, you withdrew \$250 from  
6 the bank. What did you do with it?

7 A Gave it to Mrs. Weinstein.

8 Q On the 26th of November, 1975 you withdrew  
9 \$1,000 from the bank. What did you do with that?

10 A I sent it to my sister in Toronto.

11 Q In Toronto?

12 A Yes.

13 Q On the 10th of October, 1975, you withdrew  
14 \$200. What did you do with that?

15 A I don't remember.

16 Q On the 6th of November you withdrew \$250.  
17 What did you do with that?

18 A I gave it to Mrs. Weinstein.

19 Q And the 12th of November you withdrew \$250.  
20 What did you do with that?

21 A Gave it to Mrs. Weinstein.

22 MR. DUHAMEL: Asked and answered, your Honor.

23 Q Referring to the record of a deportable alien which  
24 contain your statement, which I believe you read and signed,  
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Pirani-cross

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is that right?

A Yes.

Q Did you tell the person who wrote this, "I gave her \$500 in September and then about a month later I gave her another \$300."

Did you tell the person that?

A I might have. I don't remember.

Q Is it true?

A No, it is the other way around. I gave her \$300 in September and \$500 in November.

Q The statement is inaccurate?

A Yes, because it was kind of a shock to me to know that whatever Mrs. Weinstein was telling me was not true.

THE COURT: Why don't you just answer the questions, please. Don't volunteer anything.

Q Where were you between September 30, 1976, and October 21, 1976?

A In New York City.

Q Did the officials know where you were?

THE COURT: What do you mean, immigration?

Q Did the FBI know where you were?

A Yes, I think so, t hey did.

Q They indicated they couldn't find you. Is there



any reason for that?

MR. DUHAMEL: Objection, your Honor.

MR. ZEVIN: I ask it in good faith. It is in the 3500 material.

THE COURT: All right.

A Maybe because of my change of address.

Q You moved in that period of time?

A Yes.

Q On October 6, 1976, you made a \$1,600 deposit to your account.

A Yes.

Q Where did you get the money from?

A From Toronto.

Q Who sent it to you?

A My sister.

Q She knew your new address?

A Beg your pardon?

Q Did she know your new address?

A My sister?

Q Yes.

A Yes, she did.

Q When you moved did you leave a forwarding address with the Post Office?

A No, I didn't.

1                   Q       When you went to California did you leave  
2  
3       a forwarding address with the Post Office?

4                   A       No, I didn't.

5                   Q       Did you register with the immigration  
6       authorities in January of 1975?

7                   A       No.

8                   Q       Have you ever registered with the immigration  
9       authorities in January of any year?

10                  A       No.

11                  Q       Ms. Pirani, is this your signature on this  
12       affidavit dated May 27, 1976?

13                  A       Yes, that's my signature.

14                         MR. ZEVIN:    I am referring again to the 3500  
15       material supplied and it is captioned "United States  
16       of America, certification."

17                  Q       What were the reasons that you overstayed your  
18       visitor's permission in this country?

19                  A       I had lost my passport.

20                  Q       And that was the only reason?

21                  A       Yes.

22                  Q       The reason you overstayed is because you lost  
23       your passport and that was the only reason you overstayed?

24                  A       Yes.

25                  Q       Did you not say in this certificate that the



1 reason you overstayed is because Tahera Weinstein was  
2 supposed to get you a certification to get you to stay  
3 in the country?  
4

5 A That was after I overstayed. I met her after  
6 my visa had expired.

7 Q Do you know Mrs. Weinstein's son?

8 A Yes, I do.

9 Q Where does he live?

10 A The last I knew he lived in Kew Gardens  
11 with a friend.

12 Q Did he ever live with his mother that you  
13 know of?

14 A No, I don't.

15 Q Where did you get Mrs. Weinstein's telephone  
16 number?

17 A She gave it to me.

18 Q Do you remember a telephone conversation  
19 with Mrs. Weinstein after you came back from California,  
20 in which you called Mrs. Weinstein at her home and she  
21 said "Where did you get my telephone number from?" And  
22 you said "The FBI gave it to me."

23 A That wasn't until after I got home from Cali-  
24 fornia because I didn't know her before I went to California.

25 Q When was that?

1                   A       Some time in 1976. It could be some time in  
2  
3       July, August, I guess.

4                   Q       Was that telephone conversation recorded?

5                   A       No, it wasn't.

6                   Q       Was an FBI agent listening in on that conversation?

7                   A       No, no one was there.

8                   Q       Was any conversation prior to October 29th  
9       and 30th of 1976 recorded?

10                  A       No.

11                  Q       How many times in July, August or September  
12       had you spoken to Mrs. Weinstein, in 1976?

13                  A       I guess only once.

14                  Q       That was the time you said she said "Where did  
15       you get my number from?" And you said "From the FBI."  
16       And you did get her number from the FBI, is that correct?

17                  A       I had it with me a long time.

18                  Q       And had they asked you to make telephone calls  
19       to Mrs. Weinstein?

20                  A       No, they didn't.

21                  Q       They just gave you the telephone number and  
22       then forgot about it until October?

23                  A       I think there was a change of agents.

24                  Q       Has there been any agreement between you and  
25       any governmental body to do anything for you in exchange



for your testimony here today?

A No.

Q You are still expecting to be deported?

A Yes.

THE COURT: Do you expect the Federal Bureau of Investigation or any agency of the government to make a plea on your behalf that you stay here?

THE WITNESS: No.

Q Can you identify Urdu?

A No.

Q Can you read Urdu?

A No, I can't.

Q Can you write Urdu?

A No.

Q Now, you indicated that Mrs. Weinstein asked you in a conversation that you had at Jean Warehouse to speak to you in Urdu because it was a private matter and she didn't want her husband and son to know about it?

A Yes.

Q Does her husband work at the Jean Warehouse?

A She told me whenever I talked to her at home or if anyone else is present, to talk in Urdu.

Q And she told you that at the Jean Warehouse?

A She told me once on the telephone when I was

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Pirani-cross

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talking to her.

Q At the Jean Warehouse?

A I don't recall. I think it was at home when I was talking to her.

Q How did you know Mrs. Weinstein had been in an automobile accident?

A She told me.

Q When?

A I don't recall. I had called her once and she told me she was in an automobile accident.

Q That was prior to October 30, 1976?

A Yes.

Q Was that conversation recorded?

A No.

Q Ms. Pirani, I assume and I take it that you are a Muslem?

A Yes.

Q Is it traditional among Muslems to refer to older women as aunts or mothers?

A No, I guess not. I don't think so. Not as far as I know.

Q Not as far as you know?

A No.

Q Did the FBI indicate to you that Mrs. Weinstein



1 was lying to you about what she had done or what she said  
2 she had done?  
3

4 A Could you rephrase the question?

5 Q Yes. To a question I asked you before,  
6 you responded by saying that they had told you that  
7 Mrs. Weinstein was lying about what she had done.

8 A No, that was the immigration agents.

9 Q What did they tell you?

10 A There was a telephone conversation between  
11 me and Mrs. Weinstein, which I played a call from immigration  
12 I asked for my file number, which she gave it to me. I  
13 gave it to the immigration agents. When they went through  
14 the file, after I gave it to the agents, they said there  
15 was no such file by that number. They said she was lying  
16 to me because there was no such indication of my papers  
17 being filed.

18 Q You indicated that one of the payments of \$250  
19 was not given to Mrs. Weinstein.

20 A When I called her the previous day she told  
21 me she was going to be late at work and to leave it with  
22 the manager of the store, the girl who works there.

23 Q Who did you leave it with?

24 A The girl who works there.

25 Q Did there come a time when you were at Pasha

1 International that Mrs. Weinstein gave them a check for  
2 a thousand dollars?  
3

4 THE COURT: Gave who?

5 Q That Mrs. Weinstein gave Pasha International  
6 a check for a thousand dollars.

7 A There was a time when Mrs. Weinstein received  
8 a thousand dollars from Pasha International for an  
9 exchange of 10,000 rupees in Pakistan, which she never  
10 did. So Pasha International was after her to give them  
11 the money back. She gave them a check, same way, which  
12 bounced, and I presume that Chase Manhattan Bank is still  
13 holding the stop payment check of Mrs. Weinstein.

14 Q Now, did you ever see the 10,000 rupees?

15 A The exchange check had to be done in Pakistan.  
16 I never saw it.

17 Q And what was Pasha's business?

18 A Manufacturers of eastern clothing.

19 Q Where did they manufacture it?

20 A In Pakistan.

21 Q They exported it to the United States?

22 A Yes.

23 Q Did Mrs. Weinstein enter into an agreement  
24 with Pasha International or to purchase from Pasha some  
25 jeans?



1  
2 A No.

3 Q Were you present when two gentlemen from  
4 Pasha International went to where Mrs. Weinstein was  
5 employed?

6 A Beg your pardon? I didn't get you.

7 Q Were you ever present when two of your friends  
8 at Pasha International, the owners of the business,  
9 went to visit Mrs. Weinstein?

10 A I don't recall ever knowing about that, no.

11 Q You don't recall knowing that?

12 A No.

13 Q Tell me how you know about the 10,000 rupees.

14 A My friend, her family, like I said, they  
15 have business in Pakistan, were in need of money --

16 Q Would you tell me how you know about it, who  
17 told you?

18 MR. DUHAMEL: I object. She is answering  
19 the question.

20 A I was present.

21 THE COURT: What's the name of the person  
22 who told you?

23 THE WITNESS: I didn't get your question.

24 THE COURT: What's the name of the person who  
25 told you about the \$10,000?

THE WITNESS: The name is Shejan Fazil.

Q What is the name of the owner of Pasha International who is located in New York City and with whom you lived?

A Sheikh, the family's name is Sheikh, S-h-e-i-k-h.

Q Did he have a first name?

A There are a lot of brothers and sisters.

Q What is that particular person's name, what is he known as?

A Asif Sheikh.

THE COURT: Next question.

Q Did you ever find out that two men from Pasha had gone to Mrs. Weinstein and taken her into their car and threatened her?

A No, I never found out about that.

Q Do you know Mr. Robert Weinstein?

A Yes, I do.

Q Did he ever have any conversations with you?

A Yes, he did come with his son once to my place.

Q Did he talk about that incident?

A He just said that he wanted to know the address of where Pasha International lived.

Q He never mentioned the fact that two men from Pasha had gone to --

A He said there was some harassment. I said I didn't



1 want to know anything because I didn't even give them  
2 the address.  
3

4 Q You indicated in your direct examination  
5 that the FBI had given you a number which you then  
6 gave to Mrs. Weinstein and they wanted to see if Mrs.  
7 Weinstein had access to your file.

8 A Yes.

9 Q Did they ever tell you whether or not she had  
10 access to your file?

11 A No, they didn't tell me anything about anything.

12 MR. ZEIN: No further questions.

13 (Pause)

14 MR. ZEVIN: May I have one or two more questions,  
15 your Honor?

16 THE COURT: Yes.

17 BY MR. ZEVIN:

18 Q With regard to the translation of the Urdu  
19 that was on the telephone, do you remember on the 8th  
20 of June listening to one of those tapes and comparing  
21 it with the transcription, which I think is Government's  
22 Exhibit 10 in evidence?

23 A Yes.

24 Q And you initialed it as being accurate, is  
25 that correct?

A The --

MR. ZEVIN: May I have Government's Exhibit 10A for identification?

MR. DUHAMEL: Yes (handing).

Q Is that your signature indicating the accuracy of the translation?

A Yes.

Q Now, I show you this, which was signed on May 26th (handing). Is that your signature also?

A Yes, it is.

Q And was that signature also to indicate the accuracy of the translation?

A Yes. I did mention to Mr. Duhamel that the conversation was summarized.

Q You mentioned it to him?

A Yes, I did.

Q And you used the word "summarized"?

A Yes, I said it was summarized.

Q But you signed it as being accurate?

A Yes. He told me to, that he would rewrite it. It would be retranslated.

Q And when did he tell you that?

A The same day.

Q May 26th?



1  
2 A Right.

3 MR. ZEVIN: Your Honor, I don't think that Mr.  
4 Duhamel will disagree with the fact that on June 1st I  
5 listened to the tape and there was no indication whatsoever  
6 that that tape was going to be transcribed and translated  
7 in any other way until I brought it to his attention.

8 MR. DUHAMEL: I think, your Honor, what I  
9 told Mr. Zevin at that time was I wanted him to either  
10 agree or disagree with the translation as it appeared, to  
11 eliminate the necessity of putting an interpreter on.  
12 And if he had any disagreements with the way in which  
13 it was translated, to bring it to my attention, which he  
14 did. I did indicate to him that I had difficulty obtaining  
15 an interpreter.

16 I don't want to testify and corroborate what  
17 she said, but that was brought to my attention.

18 THE COURT: By the witness?

19 THE WITNESS: By the witness, about a summary.  
20 We only have one interpreter that speaks Urdu and he is  
21 difficult to get ahold of.

22 MR. ZEVIN: No further questions.

23 MR. DUHAMEL: The government would offer  
24 Government's Exhibits 1 through 4.

25 THE COURT: Any objection?

1  
2 MR. ZEVIN: I don't see the relevancy of 3 at  
3 all, your Honor.

4 THE COURT: You object to 1?

5 MR. ZEVIN: Do I object to 1, your Honor? No, sir.

6 THE COURT: 2?

7 MR. ZEVIN: No.

8 THE COURT: 3?

9 MR. ZEVIN: Yes, sir.

10 THE COURT: What is your objection?

11 MR. ZEVIN: I don't believe it is relevant.

12 (Government's Exhibits 1 and 2 received in  
13 evidence.)

14 THE COURT: Well, you used this on cross-  
15 examination, didn't you?

16 MR. ZEVIN: Yes, because it was used on direct  
17 examination by Mr. Duhamel.

18 I thought that 3 was --

19 THE COURT: 3 is the bankbook.

20 MR. ZEVIN: Forgive me, your Honor.

21 THE COURT: You have no objection to 3, do you?

22 MR. ZEVIN: No.

23 (Government's Exhibit 3 received in evidence.)

24 MR. ZEVIN: My objection, your Honor, is to 4.

25 MR. DUHAMEL: Do you wish to examine it, your



Honor?

THE COURT: Yes.

(Pause)

THE COURT: Objection overruled.

(Government's Exhibit 4 received in evidence.)

THE COURT: You may have your redirect.

REDIRECT EXAMINATION

BY MR. DUHAMEL:

Q Did you talk to the INS investigators about the amount of money you made in payoffs. At that time did you have Government's Exhibit 3 in front of you to refresh your recollection?

A No, I didn't.

MR. ZEVIN: Objection to the characterization.

THE COURT: Sustained.

Q At the time you were interviewed by the investigators regarding the amounts you paid off, did you have the passbook with you?

A No.

MR. ZEVIN: Objection.

THE COURT: Overruled.

Q Repeat the answer, please.

A No.

Q Your present status in this country, am I correct,

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you are being represented by an attorney?

A Yes.

Q And to your knowledge what is he doing on your behalf?

A Well, he has filed my papers. I have already been issued with a labor certificate and he is waiting for my date so he can file my permanent residence forms.

Q Has any government representative made any representations to you that it would assist or he would assist your attorney in those matters?

A No, I don't recall any.

MR. DUHAMEL: That is all.

(Witness excused)

THE COURT: Next witness.

MR. DUHAMEL: The government calls Jack Mullaney.

J O H N P. M U L L A N E Y, called as a witness, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DUHAMEL:

Q Mr. Mullaney, by whom are you employed?

A Federal Bureau of Investigation.

Q In what capacity?

A Special agent.



1  
2 Q How long have you been a special agent with  
3 the FBI?

4 A Over two years.

5 Q Now, directing your attention to December 7,  
6 1976, did you have occasion to be present during a post-  
7 arrest interview of one Tahera Weinstein?

8 A I was there.

9 Q Now, do you see that woman in court?

10 THE COURT: Is that December 7th did you say?

11 MR. DUHAMEL: Yes, December 7, 1976.

12 Q Do you see that woman in the courtroom today?

13 A Yes.

14 Q Would you please identify her for the court?

15 A She is at the table there.

16 MR. DUHAMEL: May the record reflect that the  
17 witness has correctly identified the defendant, Tahera  
18 Weinstein.

19 MR. ZEVIN: I will so concede that.

20 Q Where did the interview take place?

21 A In the office of Assistant U.S. Attorney Frank Wohl

22 Q Is he an Assistant in the Southern District of  
23 New York?

24 A That's correct.

25 Q At approximately what time of day did that interview

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occur?

A I don't remember the exact time.

Q Do you remember if it was morning or afternoon?

A It was in the morning, approximately 11 I would say.

Q And to the best of your recollection who was present at that time?

A Other than Assistant U.S. Attorney Wohl and myself, special agents of the Federal Bureau of Investigation James Brennan, William Lynch and Mark Mershon.

THE COURT: How do you spell the last name?

THE WITNESS: M-e-r-s-h-o-n.

Q And Mrs. Weinstein, is that correct?

A Correct.

Q Were you present at the time she was arrested?

A I was not.

Q By whom was she arrested, if you know?

A Agents Lynch and Brennan.

Q And on what charge was she arrested?

A 1422, Title 18.

MR. ZEVIN: Objection.

THE COURT: Immaterial.

Q To your knowledge was she advised of her constitutional rights at the time she was arrested?



1  
2 A She was.

3 THE COURT: Wait, he was not present at the  
4 arrest, he was.

5 MR. DUHAMEL: The question was to your knowledge.

6 THE COURT: How does he know? Obviously an  
7 improper question.

8 Q At the time that you were present in Mr. Wohl's  
9 office, did Mr. Wohl advise her of her rights?

10 A He did.

11 Q To the best of your recollection what were  
12 those warnings that he gave her at that time?

13 A That she had the right to remain silent, she  
14 had the right to an attorney, that anything she said  
15 could be held against her and that if she could not afford  
16 an attorney one would be provided.

17 Q After having been so advised did she indicate  
18 she did not wish to talk with the attorneys and yourself?

19 MR. ZEVIN: Objection.

20 THE COURT: What did she say.

21 Q What did she say upon being so advised?

22 A She asked if she could be allowed to call her  
23 lawyer.

24 Q And what was Mr. Wohl's response?

25 A He advised that she would be permitted to call.

1  
2 Q Did she say anything else at that time about  
3 being allowed to call her attorneys?

4 A She did not.

5 Q Now, to the best of your recollection what  
6 statements did Mrs. Weinstein make at that time regarding  
7 the charges that were brought against her?

8 A Mrs. Weinstein advised that she had received \$800  
9 in cash from a Yasmin Pirani and in return for this \$800  
10 she was to help her secure her citizenship papers to  
11 remain in the United States. She stated that the \$800  
12 was given to an attorney. Advised first the attorney's  
13 name was one Aaron Goldsmith. She later advised she gave  
14 the \$800 to a Rebecca Goldsmith, and she later advised  
15 th at she gave the \$800 to a messenger service.

16 Q Now, when you say she later advised, was that  
17 during the course of the same interview?

18 A It was.

19 Q To your recollection did she make any other  
20 statements at that time regarding the charges for which she  
21 was arrested?

22 A Not to my recollection.

23 MR. DUHAMEL: No further questions, your Honor.

24 THE COURT: You may cross-examine.

25 CROSS-EXAMINATION



BY MR. ZEVIN:

Q Agent Mullaney, did you testify before the grand jury?

A I did.

Q And you introduced the tape recordings?

A I did.

Q Did you also take a statement from Yasmin Pirani?

A A statement from Yasmin Pirani?

Q Yes.

A No.

Q Did you orally discuss with Yasmin Pirani this case?

A I did.

Q Did Yasmin Pirani tell you that on or about July 1st of 1976 she gave Mrs. Weinstein \$800?

A She did.

Q And that statement was on or around July 1, 1976, that she gave the money?

A I don't remember the exact date.

Q Well, Agent Mullaney, is this your signature on this affidavit?

A It is.

Q Does that affidavit state --

THE COURT: Does it refresh his recollection.

1 Q Does that affidavit refresh your recollection?

2 A It does.

3 Q What is the date that you were told that the  
4 money was transferred?

5 A On or about July 1, 1976.

6 Q Thank you.

7 MR. ZEVIN: I have no further questions.

8 THE COURT: You may step down.

9 (Witness excused)

10 MR. ZEVIN: However, I would move to strike  
11 the agent's testimony with regard to what was said  
12 in Mr. Wohl's office.

13 THE COURT: We have already gone over that,  
14 haven't we?

15 MR. ZEVIN: Yes, your Honor. However, the  
16 United States Attorney's office called Agent Mullaney,  
17 who testified as to the rights as he remembered them. And  
18 the issue, of course, as to proper advice comes up again  
19 at the trial. I assume that's why Mr. Duhamel called him.  
20 I submit to your Honor that the rights as stated by Mr.  
21 Mullaney are inadequate under Miranda.

22 THE COURT: Overruled.

23 MR. DUHAMEL: The government rests, your Honor.

24 THE COURT: Motions?



MR. ZEVIN: Yes. I wonder if I might have a ten-minute recess at this point.

THE COURT: You may.

(Recess)

(In open court)

THE COURT: Yes, Mr. Zevin.

MR. ZEVIN: Your Honor, at this time I realize I can make motions, but the defense also rests. I will make motions now at the completion.

THE COURT: It doesn't make any difference whether you say I rest before or after you make the motions and then say I renew them.

MR. ZEVIN: Your Honor, the statute, Section 1422, speaks of the receipt of fees, moneys in proceedings relating to naturalization, citizenship or registry of aliens. And as indicated in our prior motion, when they say "in proceedings" they must mean the proceedings now have started. I will indicate why I think they say so. In Section 1421, which is the section immediately prior to this, they call for an accounting by the clerk or assistant clerk of the court or anyone else charged with rendering accounts in any proceeding relating to citizenship, naturalization, registration. They use the same words in this case "in any proceedings." And it is reasonable, because until

1 the proceedings has started, I know of no requirement  
2 that any fees be paid. And unless fees be paid, there is  
3 no requirement for an accounting. And I would submit that  
4 under 1422 we have the same problem. How can you collect  
5 more than that which is authorized until a proceeding is  
6 commenced which defines what is authorized?  
7

8 And so I submit to the Court that in 1422 a  
9 proceeding must have been started somewhere for the fees  
10 to be determined and authorized before you can ascertain  
11 whether or not more has been accepted..

12 I would also submit, your Honor, that there is  
13 a fatal flaw in the proof submitted by the government.  
14 1422 only states a crime if there is solicited or charged  
15 an amount beyond the fees and money authorized by law.  
16 There is no proof in this case whatsoever as to what fees  
17 or money are authorized by law. And in the absence of  
18 that proof I submit there is no proof that more was ever paid

19 THE COURT: Anything else?

20 MR. ZEVIN: Just one other item, your Honor.  
21 As I went through the statutes involving immigration  
22 and naturalization, they indicate various proceedings  
23 that are to be held at various stages. They all indicate  
24 that if a representative is going to be present, whether  
25 it be an attorney or, in one case, a friend, and I think



2 that's the word used by the statute, it shall be at the  
3 cost of the petitioner. And I submit that if someone wants  
4 to pay someone to attend as an attorney at the cost of the  
5 petitioner, I see no evidence presented by the government  
6 in this case to limit that amount.

7 So for those three reasons, your Honor, I  
8 move for a verdict of acquittal or a dismissal of the  
9 charges against the defendant.

10 MR. DUHAMEL: Your Honor, quite frankly,  
11 and I don't mean to be facetious, I didn't quite understand  
12 the third argument, so I really can't address myself  
13 to that.

14 THE COURT: Will you repeat the last point?

15 MR. ZEVIN: If Ms. Pirani wanted to hire an  
16 attorney and pay a hundred thousand dollars for his  
17 representation, that would be perfectly permissible.  
18 And if Ms. Pirani wanted to have a friend accompany her  
19 to any of these hearings or proceedings and pay that friend,  
20 I find nothing that makes that impermissible.

21 THE COURT: I gather your argument is that 1422  
22 really goes to an employee of the INS.

23 MR. ZEVIN: I would say that, except, your Honor,  
24 1422 restricts it. 1422 says "whoever." I don't know if  
25 it is restricted to an employee. I think it may well be

restricted to someone who is an employee or someone working with the employee.

THE COURT: Isn't that what is supposed to be the case, that they were working with the employee --at least this is what Ms. Pirani says, and that your client says she was an intermediary.

MR. ZEVIN: Except the proof clearly indicates that my client is ~~not~~ a liar. The proof clearly indicates, by Mr. Johnson, that papers were never filed, that no one had anything to do with the file. Indeed they created a number, put a letter in the file. No action was ever taken. The proof clearly indicates that my client was not working with anyone else. And that what we have here, if you would under New York State law, is obtaining money with a false promise, but not something which comes under Section 1422, namely, a federal crime, because there is clearly no evidence whatsoever of any proceeding having been started.

THE COURT: All right, Mr. Duhamel.

MR. DUHAMEL: I think Mr. Zevin's last argument presents my opposition to one argument that he made, and that is, his argument to the effect there was no proof of the base fee which is alleged to have been exceed here.

As conceded by defendant, there was no attempt



1 to do anything. Therefore, any moneys that she received  
2 during the course of her attempt to defraud the victim,  
3 Yasmin Pirani, is more than whatever the amount was because  
4 she wasn't even going to try to give it over, she just  
5 kept it. It was in excess.  
6

7 THE COURT: That isn't the argument. The argument  
8 is if the fee is a hundred dollars, the statute is addressed  
9 to the \$700 in excess. That's the crime. Whether she is  
10 going to keep the whole 800 or the 700 makes no difference  
11 in this case, does it?

12 Supposing she actually went through with this  
13 and her fee was a hundred dollars, then she is guilty of the  
14 crime.

15 MR. DUHAMEL: That's correct, your Honor.

16 THE COURT: I think your answer to his argument  
17 is the court can take judicial notice of what the fees  
18 are because they are published in the Code of Federal  
19 Regulations.

20 MR. DUHAMEL: That was point 2.

21 THE COURT: What is your next point?

22 MR. DUHAMEL: As far as the suggestion that I  
23 appeared to understand to have been made that the state  
24 should be allowed to prosecute here and not the federal  
25 government, I would respectfully point the Court's attention

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to our memo of law. Since the device which is being utilized here is a federal agency, in this situation the federal government's interest in prosecuting such things is clearly paramount to that of the state.

As far as the alleged requirement under 1422 that an employee must be the defendant of any alleged violation and not someone who is not an employee of INS, I would respectfully direct the Court's attention to the earlier memorandum of law submitted by the government in which there is reference made to the legislative history of this section, which clearly undermines any such argument.

The only other point I would make, your Honor, in order to accept the defendant's argument here, in effect what would be achieved would be to clothe an individual with the ability to determine federal jurisdiction. According to the testimony of Mr. Johnson, the application for extension of a visa or the application for permanent resident status is a proceeding recognized by the INS. Merely because the defendant here defrauded an individual into paying money to her which she is not in turn using to initiate those proceedings within the INS to actually have something on the record, would allow her to evade federal jurisdiction by so acting. In order to accept that it would be necessary for somebody in her situation to in



fact initiate the proceedings, and then we would have the situation to which the hypothetical was addressed, that if there was a hundred dollars required and she kept 700 above it, granted that also would also technically be a violation of 1422. However, there is no rational basis for distinguishing that situation from the situation presently before the court.

Thank you, your Honor.

MR. ZEVIN: Your Honor, may I be heard for just a moment?

THE COURT: Certainly.

MR. ZEVIN: In Section 1422, if you took out the word "in proceedings" it would be a perfectly good statute and would probably cover this particular case, because the sentence reads grammatically proper and you would not need the proceedings. But the legislation as passed put in the words "in proceedings," clearly to distinguish the case where nothing is done, which does not become a federal crime.

If you leave out the words "in proceedings," it says "Whoever knowingly demands, charges, solicits money relating to naturalization or citizenship or registration of aliens beyond the fees and moneys authorized by law." Congress put in the words "in proceedings" which I think

restricts the federal jurisdiction to those proceedings which have been commenced by at least the opening of a file somewhere.

MR. DUHAMEL: Just one additional y, your Honor, and I don't mean to belabor this. I know the Court is busy. But another proceeding which was imminent, albeit not triggered at the time the payments were given, was a deportation proceeding due to the fact she had--

THE COURT: You mean as soon as a person overstays they are subject to deportation. Does that mean the proceeding is pending until you have done something about it? There are tens of thousands of illegal aliens in this country. You say there are proceedings pending against all those people?

MR. DUHAMEL: I think the only thing that was lacking was either an application made by her in an attempt to not circumvent but to stay --

THE COURT: Avoid.

MR. DUHAMEL: Avoid such a proceeding. Or if the INS, as was the case, although it wasn't an issue we felt necessary to pursue at the time, if the INS discovered her at that point --

THE COURT: That would be different. Your argument is that as soon as a person overstays their visa



1 permit or entry permit, a proceeding is pending because  
2 they are violating the law as of that moment. I can't  
3 accept that as a definition of a pending proceeding.  
4 That means all the tens of thousands of illegal aliens  
5 are presently in a proceeding. It is obviously not true.

6  
7 MR. DUHAMEL: The government still relies  
8 on the argument made earlier, your Honor, about the  
9 unattractive effect of allowing a defendant to determine  
10 whether or not the federal government has jurisdiction  
11 in this situation, and merely suggest this as an alternative.

12 THE COURT: I don't know why a defendant can't  
13 argue that you don't have jurisdiction.

14 MR. DUHAMEL: I am not saying a defendant  
15 can't argue, your Honor. What I am suggesting is that it  
16 would undermine a significant penal provision within  
17 the structure of the Immigration and Naturalization Service.

18 THE COURT: The defendant says the penal provision  
19 does not apply to her because there is no proceeding pending  
20 and the statute says in any proceeding. Don't you think  
21 that Mr. Zevin has made an interesting argument when he says  
22 that the sentence could achieve what you are talking about  
23 without the use of the word "proceeding"? Why put in the  
24 technical word "proceeding" if the scope of this section  
25 is to encompass a defendant who has done what the defendant

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has done here? There is no argument she got the \$800. She admits she got the \$800 in the telephone conversation and says she turned it over to somebody else in the department. She also, in the last conversation when she is faced with the threat by Ms. Pirani that Ms. Pirani might tell the immigration people the story, replies "Well, that won't do you any good. You are in hot enough water now, and who will believe you?" It is true, who will believe you.

MR. DUHAMEL: The concern of the government is that in his situation it was Ms. Pirani who was the victim of the scheme. It was her understanding she had in fact initiated a proceeding. The only --

THE COURT: Wait, it is not what Ms. Pirani thinks, it is what the defendant has knowingly and wilfully done. If she has not knowingly and wilfully committed a crime under the statute, then what? It is what she thinks, not what Ms. Pirani thinks.

MR. DUHAMEL: I would respectfully call to the attention of the Court there could have been no doubt in the defendant's mind she committed a crime.

THE COURT: A federal crime or a state crime?

MR. DUHAMEL: In this situation it was a federal crime.



THE COURT: Well, that's the issue to be decided.  
Decision reserved. Be in court Friday morning  
at 9:45.

MR. DUHAMEL: In this courtroom?

THE COURT: Better make it 9:30 in this courtroom,  
Friday morning.

MR. DUHAMEL: Thank you, your Honor.

MR. ZEVIN: Bail continued, your Honor?

THE COURT:

(Recess)

MR. DUHAMEL: I hate to take advantage of an  
offer here, that is a reasonable point and I wish to have  
one opportunity to address it.

THE COURT: You had better meet it by noon tomorrow

MR. DUHAMEL: You prefer I do it in papers?  
I can do it in 25 words or less.

THE COURT: You want to do it now or you want  
to hink about it?

MR. DUHAMEL: I have thought about it and it  
wasn't voiced and that's why I didn't address it.

THE COURT: Voice it.

MR. DUHAMEL: As far as the technical possibility  
of the state prosecuting in an instance like this, this  
is more of a policy consideration but I think one that must

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2 be weighed by the Court, respectfully must be weighed  
3 by the Court. It has been our experience in attempting  
4 to get cooperation from state authorities in this  
5 instance and similar instances, that they regard it as a  
6 federal matter and they have no desire to get involved  
7 in it. Technically there is no question about the fact  
8 that it is a state violation, as Mr. Zevin has conceded.

9 THE COURT: Supposing I rule that this not  
10 a federal crime but a state crime, you say Mr. Morgenthau  
11 won't prosecute this defendant?

12 MR. DUHAMEL: My suggestion, your Honor, is  
13 there is a possibility within prosecutorial discretion to  
14 decline prosecution.

15 THE COURT: Even when it has been held this is  
16 not a federal crime? Up to now the assumption has been  
17 it is a federal crime. If you are talking about that  
18 type of crime. Obviously this type of crime has not been  
19 in the courts. At least there are no decisions on it.  
20 Of all the cases you cite there have been proceedings pending  
21 actual proceedings pending.

22 MR. DUHAMEL: And there does not appear from  
23 my research and Mr. Rodriguez's research, there does not  
24 appear to be anything directly on point. I am just suggest-  
25 ing to the Court that strong possibility, notwithstanding an



order to the contrary that's within prosecutorial discretion.

THE COURT: That would not persuade me. If the defendant is not guilty of committing a crime here, I am not going to say I am going to convict you anyhow because the state won't prosecute you.

MR. DUHAMEL: I realize that, your Honor, but as a practical matter in viewing it I am just suggesting to the Court, with respect, that I would hope that that argument does not cut the other way, that since there is a possibility that the defendant could be prosecuted in the state court, to rule the other way based on that.

THE COURT: I have no intention of deciding this matter on the basis that since there is a possibility of a state prosecution I will duck my responsibility to determine whether there is also the basis for a federal prosecution. It may be if I were to find no federal prosecution, the defendant would find herself in a position of having to defend herself a second time in the state.

All right.

MR. DUHAMEL: Thank you very much, your Honor.

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1  
2 UNITED STATES OF AMERICA  
3 v.  
4 TAHERA WEINSTEIN

5 July 25, 1977

6 --

7 THE CLERK: For sentencing, the United States  
8 of America v. Tahera Weinstein.

9 THE COURT: Mr. Duhamel, do you have anything  
10 to say before the court imposes sentence on Mrs. Weinstein?

11 MR. DUHAMEL: No, your Honor.

12 THE COURT: Mr. Zevin, do you have anything to  
13 say before the court imposes sentence on Mrs. Weinstein?

14 MR. ZEVIN: Very briefly. I have read the  
15 Probation Department report, I think it is fair. I want  
16 to emphasize to the Court two or three items. Mrs. Weinstein  
17 is a 52-year old woman who has never been previously  
18 convicted of a crime. The crime for which she is convicted  
19 in this court is the taking of \$300. As the Probation  
20 report indicates the reason for the taking was to aid one of  
21 her four children, namely, her son, who was in debt to some  
22 loan sharks.

23 I would ask your Honor to take that into  
24 consideration in the sentencing of Mrs. Weinstein.

25 I have nothing further to offer.

THE COURT: Mrs. Weinstein, do you have anything



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to say before the court imposes sentence upon you?

THE DEFENDANT: No, your Honor.

THE COURT: The defendant was found guilty,  
as I understand it, of three counts. I impose a fine  
of \$2,500 on Count 1. I suspend the imposition of sentence  
on Counts 2 and 3 and place Mrs. Weinstein on probation  
for a period of two years.

This is a committed fine and must be paid  
within 30 days.

All right.

MR. ZEVIN: Thank you, your Honor.

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| Yasmin Pirani      | 13            | 63           | 89              |                |
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ELjw

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA :

v.

77 Cr. 66

TAHERA WEINSTEIN, :

Defendant.

-----x

April 1, 1977  
10:20 A.M.

B E F O R E :

HON. CHARLES M. METZNER,

District Judge.

A P P E A R A N C E S :

ROBERT B. FISKE, JR., ESQ.,  
United States Attorney for the  
Southern District of New York  
PETER NOEL DUHAMEL, ESQ.,  
Assistant United States Attorney

MARVIN ZEVIN, ESQ.,  
Attorney for the Defendant

1 eljw

2

2 MR. DUHAMEL: Ready for the government,  
3 your Honor.

4 MR. ZEVIN: I represent the defendant,  
5 your Honor. The defendant has not yet appeared.

6 THE COURT: It's twenty after 10:00. I  
7 have another suppression hearing at 11:30.

8 MR. ZEVIN: I know, your Honor. I apologize.

9 THE COURT: When did you speak to her?

10 MR. ZEVIN: Yesterday at 5:00 p.m., your  
11 Honor.

12 THE COURT: Does she know where to come?

13 MR. ZEVIN: She knows it's this building.  
14 Maybe she doesn't know it's this room.

15 THE COURT: Did you tell her 506?

16 MR. ZEVIN: No, sir, I didn't know that  
17 until this morning.

18 THE COURT: You should have told her where  
19 to go. You are the attorney, she is the client. She  
20 can wander around and not know where to find it. I don't  
21 know her intelligence. You should have told her what  
22 room. All we can do is wait a while.

23 (Recess)

24 THE COURT: You may proceed.

25 MR. DUHAMEL: Your Honor, the government



1 eljw

3

2 calls Special Agent William Lynch.

3 Your Honor, the government also requests  
4 that there be an sequestration in effect during the  
5 hearing, of prospective witnesses.

6 My understanding is that perhaps Mrs.  
7 Weinstein's husband might be called and the government has  
8 another agent who might be called as another witness.

9 THE COURT: All right. Mrs. Weinstein  
10 may stay here. Is Mr. Weinstein going to be called as  
11 a witness?

12 MR. ZEVIN: I believe so, your Honor.

13 THE COURT: All right. You may wait  
14 outside.

15 (The prospective witnesses left  
16 the courtroom)

17  
18 W I L L I A M H . L Y N C H ,

19 called as a witness, being first duly sworn,  
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DUHAMEL:

23 Q Mr. Lynch, by whom are you employed?

24 A I am employed by the Federal Bureau of  
25 Investigation.

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eljw

Lynch - direct

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Q Were you similarly employed on December 7,  
1976?

A I was.

Q What was your assignment on that morning?

A My assignment on that morning was to  
effect the arrest of Tahera Weinstein.

Q Did you in fact do that?

A I did.

Q Where did you arrest her?

A 20 Cornell Drive in Wheatley Heights, New  
York.

Q Is that her residence?

A It is.

Q What time did you first arrive there?

A Approximately 6:45 a.m.

Q That was 6:45 a.m.?

A 6:45 a.m.

Q Did you approach the house immediately  
upon arriving?

A No, sir.

Q What did you do at that point, sir?

A We waited in our vehicle.

Q Approximately how long?

A Approximately 45 minutes.



Q What happened at that point?

A At that point two individuals, a man and a woman, opened the front door, started to come out of the front door, when they noticed myself and Special Agent Brennan.

I exited my vehicle and approached the front door. I announced who I was, and who I was employed by, and I asked the woman if she was Tahera Weinstein. She acknowledged that she was.

I then advised her that she was under arrest. I then went through the front door, I believe I was invited, it was raining very hard that day, while Mrs. Weinstein got together her coat, pocketbook.

We then exited the residence, got into my vehicle --

Q Excuse me, Agent.

Where in the house did you stay while Mrs. Weinstein was getting her personal belongings?

A Right near the front door, the foyer.

Q Was there another agent with you at that time?

A There was. Special Agent James Brennan.

Q Where was Agent Brennan at that point?

A He was with me.

2 Q At the front of the house?

3 A That is correct.

4 Q Please continue.

5 A We exited the residence and we got into my  
6 vehicle at that time. I advised Mrs. Weinstein it was  
7 my duty to advise her of her rights.

8 At that time I showed her a form which is  
9 our standard form FD-395 and I asked her to read that  
10 form. She appeared to read the form.

11 I then asked her if she understood her  
12 rights. She acknowledged that she did. I asked her if  
13 she would sign the form acknowledging that she under-  
14 stood her rights. She said she would, and she in effect  
15 did.

16 MR. DUHAMEL: May I approach the witness,  
17 your Honor?

18 THE COURT: Yes.

19 Q Agent Lynch, I show you what's been marked  
20 Government's Exhibit 1 for identification and ask you if  
21 you can identify that document.

22 A Yes, I can.

23 Q What is it?

24 A This is the Form FD-395 interrogation;  
25 advice of rights form which I showed to Mrs. Weinstein and



which Mrs. Weinstein signed.

Q How are you able to identify that document?

A By my signature, title, place and date.

MR. DUHAMEL: Thank you.

The government offers this in evidence.

MR. ZEVIN: No objection.

(Government Exhibit 1 received

in evidence)

Q Did Mrs. Weinstein at that point in signing Exhibit 1 ask any questions regarding her legal rights?

A Not that I recall, no.

Q Did she say anything to you indicating that she fully understood the rights as reflected on that form?

A Yes. I asked her if she understood her rights and she indicated that she did, verbally.

Q At that point did she make any request of you regarding an attorney?

A No, sir.

Q Did you have a discussion with her and her husband earlier at her house?

A Yes.

THE COURT: Wait a minute. The witness says that he identified himself in front of the house to

the defendant and her husband; they then walked inside the house, and the defendant got her belongings together and came out and met him.

Are you saying there was a conversation before she went to get her belongings?

THE WITNESS: Yes, your Honor.

Q Were the four of you present, you, Agent Brennan, Mr. Weinstein and Mrs. Weinstein?

A Yes, sir.

Q What was the substance of that conversation?

A Mrs. Weinstein's husband wanted to know what the charge was, whether or not he could accompany his wife in the FBI vehicle where we were going, how long it would take, whether or not he could follow us in his vehicle. That was pretty much what he asked.

THE COURT: What were your answers?

THE WITNESS: My answers were that the charge was violation of Title 18, U.S.C. Section 201, that we were proceeding to the Southern District of New York --

THE COURT: He asked what she was charged with, you gave him a section number?

THE WITNESS: That's correct, your Honor.

THE COURT: You didn't tell him what the



section meant?

THE WITNESS: I don't recall. I might have, I might not have.

Q Please continue. What else were your responses?

A I told him we were proceeding to the Southern District of New York. I told him he could not ride in our vehicle.

He asked me if he could follow us in his vehicle, I told him that was certainly up to him.

Q You say that you advised him that it was Section 201?

A As I recall, yes.

Q Was there any discussion at that time regarding an attorney?

A No, sir.

Q Going forward again, after you had given her the advice of rights form and she had signed that, what happened at that point?

A Mrs. Weinstein had a neck brace with her which she put on. I asked her what that was. She told me it was a neck brace. She told me she had been involved in some type of an accident and I asked her at that time if she was okay to ride in a car, and she acknowledged

1 eljw

Lynch - direct

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2 that yes, she was okay to ride in a car.

3 Q Did Mrs. Weinstein do or say anything which  
4 would indicate to you that she was nervous?

5 A No, sir.

6 Q Did she do or say anything at that point which  
7 would indicate that she did not fully comprehend what  
8 was going on?

9 A No, sir.

10 Q Approximately how long did it take you to  
11 transport her to other authorities?

12 A Well, over two hours. Probably close to  
13 three hours.

14 Q Was there any reason for that length of  
15 time being required?

16 A Yes. It was pouring rain and it was  
17 bumper to bumper traffic and quite a few miles we had to  
18 travel.

19 THE COURT: How much of a distance was it?

20 THE WITNESS: I would say it was approximately  
21 50 or 55 miles.

22 Q Where was your eventual destination?

23 A The Southern District of New York.

24 Q By that, do you mean the U.S. Attorney's  
25 office?



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A Yes, sir.

3

Q Here at Foley Square?

4

A Yes, sir.

5

Q Did you make any stops on the way in?

6

A No, sir.

7

Q So you drove directly from her home to the

8

U.S. Attorney's office?

9

A That's correct.

10

Q Once you arrived with Mrs. WEinstein, what

11

happened at that point?

12

A At that point we brought her upstairs to

13

Mr. Wohl's office. Mr. Wohl, Assistant United States

14

Attorney Wohl was not present at that time.

15

We then took Mrs. Weinstein to the marshal's

16

office for processing. When that was completed we went

17

back to Mr. Wohl's office, and Mrs. Weinstein was inter-

18

viewed by Assistant United States Attorney Wohl.

19

Q From that point, from the point at which

20

she signed the advice of rights form until this point

21

when she was eventually brought to the presence of Mr.

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Wohl, did she make any requests or statements regarding

23

an attorney?

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A Not that I recall, no.

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Q At that point did an interview in fact ensue?

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Lynch - direct

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A It did.

THE COURT: When you say at that point,  
do you mean in Mr. Wohl's office?

MR. DUHAMEL: That is what I mean, your  
Honor.

Q Once she was brought before Mr. Wohl, did  
an interview in fact take place?

A Yes, it did.

Q Approximately how long did that interview  
last?

A I don't recall. I don't remember.

Q Were you present in the room at that time?

A At least for part of it, yes.

Q Who else was present?

A Special Agent Jack Mullaney, Special Agent  
Brennan, and Special Agent Mershon, and myself.

Q To your knowledge, what was the involvement  
of Agents Mershon and Mullaney?

A Special Agent Mullaney was assigned to this  
case. This was his case. I believe that Special Agent  
Mershon had assisted him on some of the investigation in  
this case.

Q This woman about whom you have testified today,  
Mrs. Weinstein, do you see her in the courtroom today?



1 eljw

Lynch - direct/cross

13

2 A Yes, I do.

3 Q Would you please identify her for the  
4 Court.

5 A Yes. She is sitting at the table over there.

6 MR. DUHAMEL: May the record reflect that  
7 the witness has correctly identified the defendant, Tahera  
8 Weinstein.

9 THE COURT: Is identification conceded,  
10 Mr. Zevin?

11 MR. ZEVIN: Yes, your Honor.

12 MR. DUHAMEL: No further questions.

13 CROSS EXAMINATION

14 BY MR. ZEVIN:

15 Q Did you make any notes concerning the  
16 arrest of Mrs. Weinstein?

17 A Yes, sir.

18 Q Are those notes present in court today?

19 A I believe they are

20 MR. DUHAMEL: May the record reflect that  
21 I am providing Mr. Zevin with the original handwritten  
22 notes made by Special Agent Lynch.

23 MR. ZEVIN: Your Honor, may I have a few  
24 minutes to read them?

25 (Pause)

1 eljw

Lynch - cross

14

2 Q These are the only notes?

3 A That's correct.

4 Q And you refreshed your recollection from  
5 them today?

6 A Yes, I did.

7 Q When you parked your car at the Weinstein  
8 residence and waited almost an hour, where was the  
9 car parked?

10 A Directly in front of the house or a little  
11 bit to the right of the house as you look at the house.

12 Q Was it parked in front of the driveway?

13 A No, sir.

14 Q So a car could come in and out?

15 A There was a car in the driveway and it was  
16 free to move back and forth, yes, sir.

17 Q And you waited there for about an hour?

18 A I think it was 45 minutes to an hour, yes,  
19 sir.

20 Q When you approached the house you showed  
21 your badge?

22 A Yes, sir.

23 Q And they permitted you to enter the house?

24 A That's correct.

25 Q Did Mrs. Weinstein open the door for you?



1  
2 A No, the door was already open. There were  
3 two doors, an inner door and outer door. As the two  
4 individuals exited the house and we approached, they  
5 withdrew behind the first door, I assume not knowing who  
6 we were. Of course we identified ourselves immediately  
7 and they opened the door.

8 Q That was on the 7th of December?

9 A Yes, sir.

10 Q Were you present when a telephone call was  
11 made to the Weinstein home on the 7th of December, at  
12 approximately 6:45 in the morning?

13 A No, sir.

14 Q Did you know the telephone call was going  
15 to be made?

16 A No, sir.

17 Q You had no idea that other agents of your  
18 office were pursuing that investigation and recording  
19 telephone calls between Mrs. Weinstein and another person?

20 A Yes, that I knew, sir.

21 Q But you had no idea one was made that morning  
22 at 6:45?

23 A No, sir.

24 Q When you went to the home Mr. Weinstein was  
25 present?

2 A He was.

3 Q And he asked you what this was all about?

4 A That's correct.

5 Q And you told him?

6 A I honestly didn't know very much what it  
7 was about, other than that there was an arrest warrant  
8 issued. I wasn't really familiar with the facts of the  
9 case, no.

10 Q There was a conversation in the presence  
11 of Mr. and Mrs. Weinstein.

12 A That's correct.

13 Q Were you the only one who spoke? I will  
14 withdraw that.

15 Of the other agents present, you and the  
16 other agent, were you the only one who spoke?

17 A I can't be sure of that. I don't remember.

18 Q He may have said something?

19 A Yes.

20 Q Did Mr. Weinstein speak?

21 A Yes, he did.

22 Q Did Mrs. Weinstein speak?

23 A Yes. ;

24 Q Do you remember the conversation in its  
25 entirety?



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A In its entirety?

Q Yes.

A No, sir.

Q But in substance what you said, you advised them that there was a warrant for her arrest under a particular section of Title 18.

A That's correct.

Q And that she would have to come with you.

A That's correct.

Q Then there was a conversation about could he come with you in the car or could he follow you in his car.

A That's correct.

Q That was what you remember of the conversations

A Yes, sir.

Q It's possible there might have been other conversation?

A It's possible.

Q The form which is now in evidence, this was given to Mrs. Weinstein while in the automobile?

A That's correct.

Q When you handed it to her, what did you say?

A I told her that it was my duty to advise her

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Lynch - cross

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of her rights. I asked her to read that form.

Q And she looked at it?

A She did.

Q And she signed it?

A That's correct.

Q About how long did it take her to look at it and sign it?

A A few minutes. Several minutes. I'm not sure exactly how long.

Q What else did she have in her hand?

A I don't recall.

Q Did she have the New York Times in her hand?

A Yes, that's correct.

Q What did she do with the Times while she was reading this?

A I don't remember.

Q And she looked at it for several minutes and then signed it?

A She looked down at it for several minutes, read it, and then looked up. I then asked her if she understood her rights and she acknowledged to me that she did.

Q Tell us exactly what she said.



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A I can't remember her exact words.

Q So you are giving us the substance.

A Yes.

Q When you got to the Southern District,  
was Mr. Weinstein still following you?

A Yes, he was.

Q Did he come up in the same elevator with  
you?

A I believe he did.

Q And you went up to the seventh floor of  
One St. Andrews Plaza, I believe.

A Yes, that's correct.

Q As you come out of the elevator there is a  
small lobby there.

A There is.

Q And Mr. Weinstein was present in that  
lobby when you and the other agent and Mrs. Weinstein  
entered?

A He was.

Q Did you have a conversation with Mr. Weinstein  
at that point?

A Not that I recall.

Q Didn't he want to accompany his wife behind  
that door and that glass panel and you said he couldn't?

2 A That is possible but I don't recall it.

3 Q There might have been other conversations  
4 at that point which you also don't recall?

5 A That's possible, yes.

6 Q Then you went behind these doors, you went  
7 to Assistant U.S. Attorney Wohl's office.

8 A Yes.

9 Q And he wasn't present.

10 A That's correct.

11 Q You then went downstairs.

12 A That's correct.

13 Q When you walked out was Mr. Weinstein  
14 still present?

15 A He was.

16 Q Did he go with you downstairs?

17 A No, I don't believe so.

18 Q You took Mrs. Weinstein downstairs, she  
19 was fingerprinted and photographed?

20 A That's correct.

21 Q And then you came back upstairs.

22 A That's correct.

23 Q Was Mr. Weinstein still upstairs on the  
24 seventh floor?

25 A Yes.



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Q Waiting?

A That's correct.

Q Up to this point had there been any question-  
ing of Mrs. Weinstein?

A Certainly none by me. I honestly don't  
know, I don't recall. But there certainly was none done  
by me.

Q Were you present throughout the entire  
time, up to now?

A Up to now, yes.

Q And the other agent I believe you said was  
Agent Brennan?

A Yes, sir.

Q Both of you were present throughout this  
entire period?

A I believe so.

Q You now go into Mr. Wohl's office. Is he  
present at this time?

A Yes.

Q There are four, as I remember it, you said  
there were four agents plus Mr. Wohl plus Mrs. Weinstein  
in the office.

A Yes.

Q Had you or Agent Brennan done anything in

relationship to Mr. Wohl before coming in with Mr. Weinstein? Had you spoken to him before that?

A I don't think so, but I'm not sure. We may have advised him we were there, but I don't think there was anything more than that.

Q So then you are all in the office and who does the talking in the office?

A Primarily Mr. Wohl.

Q Do you remember what he said?

A Not specifically. The setup was he was at his desk, Mrs. Weinstein was facing him in a chair. Agent Mullaney was sitting next to Mrs. Weinstein. I don't remember where Mr. Mershon was, but Agent Brennan and myself were sitting on a couch, which was further back against the wall.

I honestly don't recall very much about that conversation, because I wasn't paying attention. If you ask me a specific question I might be able to remember.

Q Did Assistant U.S. Attorney indicate Mrs. Weinstein was in trouble?

A I believe so.

Q Did he indicate that if she helped him he would help her?

A I don't recall that.



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2 Q You are saying it might have happened or  
3 might not.

4 A That's right.

5 Q You don't recall.

6 A That's right.

7 Q How long did that interview last?

8 A I don't recall. I'm not sure I was there  
9 for the entire time. I might have left sometime before  
10 it was over.

11 Q Do you know if anyone else left before it  
12 was over?

13 A I believe Agent Brennan did.

14 Q Left with you?

15 A Possibly.

16 Q You made no notes of that conversation?

17 A I did not.

18 Q You indicated that there were no overt  
19 acts by Mrs. Weinstein to indicate that she was nervous.

20 A Yes.

21 Q Were there any overt acts to indicate that  
22 she was in total possession of all of her faculties?

23 A Only when I spoke to her, advising her of  
24 her rights specifically, she seemed to understand and she  
25 seemed to speak English very well. I didn't see any reason

1 eljw

Lynch - cross/redirect

24

2 to believe that she was not.

3 Q When you said overt, you advised her  
4 specifically of her rights?

5 A I gave her the form to read.

6 Q You didn't read the form, you just gave it  
7 to her to read?

8 A That's correct.

9 MR. ZEVIN: No further questions, your  
10 Honor.

11 REDIRECT EXAMINATION

12 BY MR. DUHAMEL:

13 Q Agent Lynch, what is your procedure in  
14 dealing with an arrested person if there is a request  
15 made for an attorney by that person?

16 MR. ZEVIN: Objection.

17 THE COURT: Sustained.

18 Q You stated on cross examination that there  
19 are certain parts of conversations at which time you and  
20 Mrs. Weinstein and perhaps others were present that you  
21 may not recollect; is that correct?

22 A Yes.

23 Q Can you state with any degree of certainty  
24 whether or not any part of those conversations were a  
25 request for an attorney?



MR. ZEVIN: Objection.

THE COURT: Sustained. If he can't remember how can he state whether there were requests for an attorney. You have probed his recollection, and he said no. Now you ask him, on the parts you don't remember was there a request for an attorney.

Objection sustained.

Q How large is Mr. Wohl's office?

A It's of reasonable size. 20 feet long by maybe 15 feet wide, 20 feet wide, something like that.

Q Did you have any conversation with Mrs. Weinstein in the car which would indicate to you that she was not confused or unusually upset by what was happening?

A While we were proceeding to the Southern District I was reading a newspaper and doing a crossword puzzle, and I was having difficulty and I finished with what I was doing, I put the paper away. Mrs. Weinstein told me that I should have asked her to help me because she was very good at doing crossword puzzles.

MR. DUHAMEL: No further questions, your Honor.

(Witness excused)

THE COURT: Next witness.

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F R A N K        W O H L ,                called as a  
witness, being first duly sworn, testified  
as follows:

DIRECT EXAMINATION

BY MR. DUHAMEL:

Q        Mr. Wohl, by whom are you employed?

A        I am employed by the United States government.

Q        In what position, sir?

A        I am an Assistant United States Attorney  
in the Southern District of New York. At the present time  
I am chief of the Civil Division of that office.

Q        Directing your attention to December 7,  
1976, what was your position at that time?

A        At that time I was the Assistant Chief of  
the Criminal Division, that is one of the Assistant Chiefs  
of the Criminal Division of the same office.

Q        Directing your attention once again to that  
day, did you have occasion to meet an individual by the  
name of Tahera Weinstein?

A        I can't be absolutely certain of the date,  
but I know that on some date in December of 1976 I met  
Mrs. Weinstein.

MR. ZEVIN:    Your Honor, I will concede that.

Q        On that day did you have occasion to interview



2 Mrs. Weinstein?

3 A Yes, I did.

4 Q During the course of that interview did  
5 you have occasion to make notes?

6 A Yes. I made notes concerning the interview.  
7 My recollection is that some of the notes I made during  
8 the course of the interview and some of the notes I made  
9 shortly after the interview.

10 MR. DUHAMEL: May I approach the witness,  
11 your Honor?

12 THE COURT: Yes.

13 Q I show you what has been marked Government's  
14 Exhibit 2 for identification and ask you if you can  
15 identify that.

16 A Yes. This document consists of several  
17 mimeographed pages with handwritten interview on them  
18 and those handwritten entries are in my handwriting and  
19 they are the notes that I was referring to. Towards the  
20 back of the exhibit there are two yellow legal pad pages  
21 with handwriting on them. That is also my handwriting.

22 Concerning the yellow legal pad pages, all  
23 of the writing on those pages is writing that I made  
24 before I spoke to Mrs. Weinstein of the substance of some  
25 of what I intended to say to her. And at the top of the



1 eljw

Wohl - direct

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2 first of the two legal pages is the statement also in  
3 my handwriting, substance of what I told Weinstein, which  
4 I wrote after I spoke to Mrs. Weinstein.

5 Q This Mrs. Weinstein that you refer to, do  
6 you see her in the courtroom today?

7 A Yes, I believe it's the lady wearing the  
8 sari at the defense table.

9 MR. DUHAMEL: May we have a stipulation  
10 as to identity?

11 MR. ZEVIN: Yes, sir.

12 Q Mr. Wohl, would you relate to the Court  
13 in your own words from your recollection, what transpired  
14 on that occasion.

15 A You want me to look at Exhibit 2?

16 THE COURT: If you need to.

17 A All right.

18 Mrs. Weinstein was brought into my office  
19 at approximately 11:00 o'clock on that date, which I  
20 see from my notes was December 7, 1976.

21 At that time I introduced myself to Mrs.  
22 Weinstein and she said, will I be permitted to call an  
23 attorney? I said yes.

24 Then I said you have a constitutional right  
25 to refuse to answer any of my questions; do you understand



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2 that?

3 And she said something to the effect that  
4 her rights had been shown to her in the car, referring to  
5 I believe the car that she had been driven into the U.S.  
6 Attorney's office in after she had been arrested.

7 And at that time she also said yes, that  
8 she understood the warning I had given her up to that  
9 point, and I believe, but I'm not certain of this next  
10 part, and that is that I said something to the effect that  
11 even though she had already been given her rights I was  
12 going to give them to her again.

13 Then I told her -- and this part I am now  
14 certain of -- that last sentence was the only part I am  
15 saying I am not certain of.

16 Then I told her you have an absolute right  
17 to remain silent and if you choose to answer any questions,  
18 any statement you do make can be used against you in a  
19 court of law; do you understand that. She answered yes.

20 I told her, you have a right to consult an  
21 attorney and to have that attorney present during this  
22 interview, do you understand that. And she said yes.

23 And then I told her, if you do not have  
24 funds to retain an attorney, an attorney will be appointed  
25 to represent you and you do not have to answer any questions



1 before this attorney is appointed, and you can consult  
2 with him, do you understand that. And she answered  
3 yes.  
4

5 During this period that I just recited I  
6 was reading in large part from the form that has these  
7 warnings printed on it and occasionally looking up at  
8 Mrs. Weinstein, so that what I told her was I believe  
9 very close to, if not verbatim, what I have just read  
10 from the form.

11 At that point I looked at my legal pad  
12 pages with the handwriting on them that are also included  
13 towards the back of Government's Exhibit 2, which had  
14 my notes of what I intended to say to Mrs. Weinstein,  
15 and although I didn't -- at this point I was not reading  
16 to her, but instead talking to her with the notes in  
17 front of me, and I believe telling her substantially  
18 what's in these notes.

19 And I told her in substance something to the  
20 effect that we were going to be straight with her if she  
21 was going to be straight with us, that we were not looking  
22 for any confession from her because we already had very  
23 strong evidence that we were convinced was enough to  
24 convict her.

25 I told her that in order so that she would



1 understand that very clearly at the outset, we were  
2 going to play a tape for her, and at that point Agent  
3 Mullaney was right there, and we had a portion of the tape  
4 ready to be played and he pushed a button to the tape  
5 recorder and the tape recorder played a portion of a  
6 conversation that Mrs. Weinstein had had over the  
7 telephone with Jamin Parani.  
8

9 After this portion of the tape was played --  
10 it was not a complete conversation, but a portion of the  
11 conversation -- I told Mrs. Weinstein that the purpose  
12 of this meeting was to give her an opportunity to help  
13 herself by cooperating with the government.

14 I told her that this did not mean that  
15 there was any chance that she was not going to be  
16 prosecuted. I told her that she would be prosecuted and  
17 the evidence against her was very strong.

18 I told her that what I was talking about  
19 was what was going to happen to her at the time that she  
20 was going to be sentenced. And it would be brought to  
21 the attention of the sentencing judge that she had an  
22 opportunity to cooperate in the investigation, and either  
23 she did cooperate in the investigation or she didn't  
24 cooperate in the investigation.

25 I told her that it was important for her to



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2 decide now whether she was going to cooperate or not  
3 cooperate, because the course of events may be such that  
4 cooperation that could be of considerable value today  
5 might be of very little value tomorrow, either because  
6 other people had already cooperated or because events  
7 might have occurred that would make her cooperation  
8 virtually meaningless, or at least not very useful.

9 I also told her that we had been  
10 investigating the matter for some time and that if she  
11 decided that she wanted to cooperate, that she should be  
12 sure that she was cooperating truthfully with us because  
13 it would just be a waste of time if she pretended to be  
14 cooperating but didn't really cooperate truthfully and  
15 just told us either false information or half-truths.

16 And I also told her that because of the  
17 fact that we had been investigating the matter we would  
18 be able to tell quite quickly whether she was being  
19 truthful with us or whether she was not being truthful  
20 with us.

21 At the end of that, I believe I asked her  
22 something to the effect of, what did she want to do, and  
23 she said that she would cooperate fully, regardless of  
24 this, and she made some kind of a gesture --

25 THE COURT: Regardless of what?



1 THE WITNESS: She said, your Honor,  
2  
3 "Regardless of this", making a gesture like this with  
4 her hands, and glancing around the room, suggesting to  
5 me that she was referring, regardless of the fact that  
6 she was in the position that she was in.

7 And she said that she would truthfully  
8 respond to questions, giving us whatever information  
9 she knew.

10 At that point we had a discussion concerning  
11 her relationship with Jamin Parani --

12 THE COURT: Who?

13 THE WITNESS: Jasmin Parani. I believe  
14 it's J-a-s-m-i-n, last name, P-a-r-a-n-i.

15 And during that portion of the discussion  
16 I was not taking notes. I can tell you the substance  
17 of my recollection of that area of discussion, if you  
18 like.

19 THE COURT: It's not important to this  
20 hearing, is it?

21 MR. DUHAMEL: No, your Honor.

22 A Then after that we had -- I asked her  
23 about basically background information about herself,  
24 her address, telephone numbers, employment, that sort of  
25 thing, and I took notes on that, and those notes appear



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2 here.

3 THE COURT: I gather that was for the  
4 bail hearing.

5 THE WITNESS: That is correct, your Honor.

6 At about 12:00 o'clock noon some attorneys  
7 from a firm called Fried & Regenstreif called at my  
8 office. My recollection is that I gave the telephone  
9 to Mrs. Weinstein and she spoke with them.

10 She then said that she wanted to call another  
11 attorney, and his name was Hyman Greenberg. I believe  
12 that I told her to tell me the number and I gave her the  
13 receiver of the phone, or maybe she already had the  
14 receiver of the phone, I'm not sure which.

15 In any event, my recollection is that I  
16 dialed the number which I have here on my form. I think  
17 at that point she said something to the effect that he  
18 was not in. I don't know whether she said that to me  
19 directly or whether I could just tell that from her end  
20 of the phone conversation, but in any event, the result  
21 of this little interchange was that she told whoever she  
22 was talking to to have Mr. Greenberg call her back at  
23 my number, my office number, which is where we were.

24 And I believe I told her that that would be  
25 okay to do that. I may have suggested it, but I'm not



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2 sure of that.

3 In any event, at about 12:15, Mr. Greenberg  
4 called back for Mrs. Weinstein. I gave the receiver  
5 to her. She spoke with him and then a very short time  
6 after she had been talking to him, that is within a couple  
7 of minutes, anyway, she asked me if I would talk to Mr.  
8 Greenberg, and I said I would, so I took the receiver  
9 from her and Mr. Greenberg introduced himself to me over  
10 the telephone, I introduced myself to him, and he asked  
11 if we would delay the arraignment of Mrs. Weinstein until  
12 he could get to the courthouse.

13 My recollection is that he said he was  
14 in Queens at the time, but it could have been that he  
15 said he was in Brooklyn. I'm not sure exactly where he  
16 said.

17 But in any event, my recollection is he  
18 said it would take him something like an hour to get to  
19 the courthouse and he asked if we would hold off the  
20 arraignment until we got there, and I said we would agree  
21 to do that.

22 This is one thing I left out, and that is  
23 at about noon I had called down to the Magistrate to  
24 tell them that we had Mrs. Weinstein to be arraigned and  
25 we would be coming down, and at that time I was told, I'm



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not sure who told me, and I should also say I'm not sure whether I made the call or my secretary made the call, but in any event I got the information that the Magistrate had gone to lunch.

So when I spoke with Mr. Greenberg a few minutes later, I told him that it wouldn't be any problem to delay the arraignment because my understanding was that the Magistrate was out to lunch anyway, but we would go ahead and delay the arraignment. He told me when he was going to get there.

I think I told him that Mrs. Weinstein would have to go to pretrial services and that he should meet us in Room 115, the Magistrate's courtroom, and that the defendant would be there, and he could consult with her prior to the arraignment.

I believe that this discussion occurred prior to taking some of the background information, so that after I hung up the phone with Mr. Greenberg I continued to talk to Mrs. Weinstein and took the background, additional background information from her.

After we completed the additional background information, that terminated the interview and I in some way or other made arrangements with pretrial services to interview Mrs. Weinstein. I'm not sure at this moment



exactly how that occurred.

In any event, I believe I instructed the agents to allow pretrial services to interview her and later on that day I appeared before the Magistrate and participated in the bail hearing.

MR. DUHAMEL: No further questions, your Honor.

CROSS EXAMINATION

BY MR. ZEVIN:

Q At the time that you spoke to Mrs. Weinstein, did you know that a warrant had been issued for her arrest?

A Well, I certainly knew she had been arrested. Quite frankly, sir, I haven't reviewed the file of what happened preceding her arrest, and I can't be absolutely certain as I sit here right now whether she was arrested on probable cause or whether she was arrested based on a warrant.

Q Who directed that she be brought to your office rather than to a Magistrate?

A It's the normal procedure to bring a defendant to the U.S. Attorney's office.

Q For questioning?

A Yes.

2 Q May I see your notes, please.

3 (Handing)

4 Q You were in charge of this investigation?

5 A At that point I was, yes.

6 Q You believed that at that stage, you believed  
7 that someone in the Immigration and Naturalization  
8 Service was being bribed, is that correct?

9 A I thought --

10 THE COURT: Being what?

11 MR. ZEVIN: Being bribed.

12 A I thought there was a very good chance that  
13 that was happening.

14 Q And you wanted to determine the name of  
15 that person; correct?

16 A Correct.

17 Q And that is why Mrs. Weinstein was  
18 brought to your office, so you could question her and  
19 get the name of that person.

20 A I think she was brought to my office for  
21 a number of reasons.

22 Q Isn't it a fact that you already as far as  
23 you were concerned tape recorded conversations between  
24 Mrs. Weinstein and another person?

25 A Correct.



Q And you believe that those recordings were sufficient to convict Mrs. Weinstein?

A Correct.

Q And if you accept the fact that a warrant for her arrest had been issued, and the reason for bringing herto your office was to question her.

A Correct.

Q Wuestion her about the name of any person that she might have known in the Immigration and Naturalization Service who had been bribed.

A Certainly that was one of the reasons.

Q And in fact she told you that about 10:00 o'clock she had asked for an attorney and the response was that she asked for an attorney but was given Miranda warnings.

A No, that didn't happen.

Q Is that note in your handwriting on this sheet of paper?

A Yes, it is. And that refers to the claim that was made, I believe, at the bail hearing in front of the Magistrate. I heard it at that point for the first time. If I am not mistaken, that was a claim made by Mr. Greenberg, who represented Mrs. Weinstein at that point.

1  
2 And at that point, which was in that afternoon,  
3 he made some argument in front of the Magistrate to the  
4 effect that at around 10:00 o'clock Mrs. Weinstein had  
5 asked for an attorney and had been given Miranda warnings.

6 So I made that notation on my form below  
7 the part of the form that relates to what happened at  
8 the Magistrate's hearing, just to note what the lawyer's  
9 argument was.

10 THE COURT: All right. That is an answer.

11 Q When she said, will I be permitted to call  
12 an attorney, did you say to her, here's a phone, call?

13 A No.

14 Q Your response was to read her Miranda  
15 warnings.

16 A Yes. And my response also was "Yes." I  
17 think I said "Yes," responding affirmately to her  
18 question. Then I read her the warnings.

19 Q But you didn't say yes, place a phone call  
20 here right now?

21 MR. DUHAMEL: Objection, your Honor.

22 A That is correct. I didn't say that.

23 Q And what you did was you read in substance  
24 exactly this or some other words in substance as to her  
25 Miranda warnings.



A Correct.

Q And then you proceeded to tell her that if she cooperated her cooperation would be made known to the sentencing Judge?

A Correct.

Q That was sort of a promise that you'd make this known to the sentencing Judge, right?

A I don't know whether you'd call it a promise or not. I suppose you could call it a promise. I think I said what I said to her, if you call that a promise, that is a promise.

Q Do you usually plea bargain with defendants?

THE COURT: That is not plea bargaining.

Q Do you usually negotiate with defendants?

THE COURT: That is not negotiating. That is merely saying I am going to tell the Judge and let the Judge make up his mind. There is no plea bargaining in this court as of yet.

MR. ZEVIN: Thank you, your Honor.

Q Then you indicated that if she didn't cooperate with you right then and there her future cooperation might be worthless to you because you had either other sources or other material?

A I said to her what I testified on direct



examination I said on that score. I think it's somewhat different from what you said.

In other words, I didn't say "Right then and there," but I certainly did convey to her the impression, which was true at the time, that there were events that would make her cooperation much more valuable, if she did it sooner rather than later.

Q What events?

A Well, our understanding was that Mrs. Weinstein was taking money from an alien, this Jasmin Parani, who had a scheduled immigration event, that the file at least -- that is the Immigration file -- reflected was going to occur very quickly after the meeting that we were having with Mrs. Weinstein. Within a matter of one or two days, as I recall, but I'm not absolutely certain of the time frame. But it was coming up very quickly.

I assume the Immigration file reflected that because I was told by the agents that to some extent this reflection in the file was not a true reflection in the file but had been put there to give that appearance when that immigration event wasn't really going to occur in quite that fashion, because of other decisions they had made.



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2 In any event, it was clear that to Mrs.  
3 Weinstein, it seemed that this Jasmin Parani was going to  
4 be deported right away and obviously if she decided that  
5 she wanted to think about this for say two weeks, that  
6 would pass the deportation date and so her contact in the  
7 Immigration Service could no longer then be called  
8 by Mrs. Weinstein and dealt with concerning the deportation  
9 of Jasmin Parani, because the contact in the Immigration  
10 Service would know that the file looked strange in some  
11 way because Jasmin Parani was supposed to be deported  
12 at an earlier date and in fact wasn't deported.

13 We were looking to Mrs. Weinstein, if she  
14 decided to cooperate, to possibly call her contact in the  
15 Immigration Service and she just wouldn't be able to do  
16 that if she waited around for a long time.

17 Q You knew that event wasn't going to occur,  
18 is that right?

19 A Which event? The deportation of Jasmin  
20 Parani or whatever event it was?

21 Q Yes.

22 MR. DUHAMEL: Objection, your Honor. I  
23 think we are going beyond the scope of this hearing.

24 THE COURT: Sustained.

25 MR. ZEVIN: May I be heard, your Honor?



2 THE COURT: This is not a pretrial discovery  
3 hearing. What happened thereafter is immaterial.

4 MR. ZEVIN: That is specifically what I  
5 was directing the question at.

6 THE COURT: I'm sorry, it's not. You have  
7 established what has been asked and what was told  
8 to Mrs. Weinstein. The details of what he was  
9 thinking is something you want for the trial and you don't  
10 get it on this hearing.

11 MR. ZEVIN: I wasn't looking for the  
12 details, but I will continue, your Honor.

13 Q At the time that she made the motion and  
14 looked around the room, as you described it, I believe,  
15 is it not correct there were four agents in the room,  
16 besides yourself?

17 A I don't remember how many agents were there.  
18 I know Mr. Mullaney was there. There may have been other  
19 agents sitting in another part of the room. This is a  
20 very -- was a very large office, and so there is an area  
21 that people can sit in, although they are still visible,  
22 of course, they are in sort of a different part of the  
23 room sitting on a couch, and I can't remember whether  
24 there were agents sitting on the couch or not. There very  
25 well may have been.



2 Q Could Mrs. Weinstein have left?

3 A If she had said, for example, she wanted  
4 to go to the bathroom, she could have left. If she had  
5 said she wanted to call the attorney right then and  
6 there and wanted to use a private phone where I wouldn't  
7 be listening to her, she could have done that. Of course,  
8 an agent would have gone with her, and an agent would have  
9 at least been in the room where she was or would have  
10 had the door ajar so he could see what she was doing.

11 She never asked to do any of those  
12 things, so the question of whether she could leave or not  
13 was never raised. At least, I don't recall her asking  
14 to do any of those things.

15 THE COURT: She was clearly under arrest  
16 and in custody at this time?

17 MR. ZEVIN: Yes, sir.

18 Q Did you know or had you been advised that  
19 Mrs. Weinstein's husband was in the outer office?

20 A Yes.

21 Q Were you advised that Mr. Weinstein had  
22 requested to be present with his wife?

23 A I don't recall any discussion on that.

24 Q When the phone call came in from Fried &  
25 Regenstreif, someone spoke to you?



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2 A I believe that the only person I spoke to  
3 was my secretary, and I think my secretary said that  
4 there were some attorneys on the phone or somebody on the  
5 phone to talk to Mrs. Weinstein, and I think I gave the  
6 phone to her, but I am really not sure of that. I could  
7 have spoken to one of those lawyers or someone from their  
8 office, but I don't remember.

9 Q Do you recall whether any of them said,  
10 if you spoke to them, I am just trying to jog your memory,  
11 was there any conversation with them concerning that  
12 somebody had called them and asked them to call you?

13 A That could very well be; but I can't  
14 really remember -- I can't remember there being a phone  
15 conversation to that effect.

16 Q Between the time that the phone conversation  
17 with the attorneys Fried & Regenstein and the phone  
18 conversation with Mr. Greenberg, was there any further  
19 questioning by you of Mrs. Weinstein?

20 A Yes.

21 Q What was that questioning?

22 A I can't remember which portion of the  
23 questioning and conversation with Mrs. Weinstein occurred  
24 before that conversation and which occurred after that  
25 conversation.



Q When Mr. Greenberg spoke to you --

A Actually, could I look at my notes again, counselor?

(Pause)

Q When Mr. Greenberg spoke with you did he tell you that his client was not to be questioned any further?

A Absolutely not.

Q Never said that?

A Definitely never said that.

Q But you did stop questioning her after you spoke to Mr. Greenberg?

A No, I didn't.

Q You continued on to the substance of the matters or with regard to the bail proceeding.

A I think that by that time the substance of our questioning had moved over to the basic background information, but we may have returned to the substance of Mrs. Weinstein's transactions with Mrs. Parani, because I believe that throughout the interview Mrs. Weinstein was more or less changing her story, and I think we kept coming back to it and telling her in substance that we did not believe she was being truthful.

And so it was not the kind of interview where



1 you oddly go from subject to subject, but rather I think  
2 we did return a couple of times to her relationship with  
3 Jasmin Parani, and we may very well have done that after  
4 the phone conversation with Mr. Greenberg, but I can't be  
5 sure of that.  
6

7 Q Did you know or were you informed that Mr.  
8 Weinstein was in the outer office?

9 THE COURT: You have asked that question.  
10 He says he knew he was out there but there was never  
11 any request for him to come in.

12 MR. ZEVIN: No further questions, your  
13 Honor.

14 THE COURT: You may step down.

15 MR. DUHAMEL: Your Honor, the government  
16 rests and makes available to defense counsel Agent  
17 Brennan who is outside the courtroom and Agent Mullaney,  
18 if he wishes to call him.

19 THE COURT: How many witnesses do you  
20 have?

21 MR. ZEVIN: One and possibly two.

22 THE COURT: How long do you think you will  
23 take?

24 MR. ZEVIN: Possibly a half hour, your Honor.

25 THE COURT: I see the attorneys are here



1 eljw

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2 for the 11:30 matter. You are excused until 12:00  
3 o'clock, if you wish to leave. We will continue with  
4 this application.

5 MR. DUHAMEL: Your Honor, may I have an  
6 indication from Mr. Zevin whether he'd like Agent Mullaney  
7 or whether he knows at this point.

8 MR. ZEVIN: No, sir, I intend to call the  
9 defendant's husband and then perhaps the defendant.

10 MR. DUHAMEL: Thank you.

11 MR. ZEVIN: Robert Weinstein.

12  
13 R O B E R T W E I N S T E I N , called  
14 as a witness, being first duly sworn, testified  
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. ZEVIN:

18 Q Mr. Weinstein, are you related to Tahera  
19 Weinstein?

20 A Yes, I am.

21 Q How are you related to her?

22 A Tahera Weinstein is my wife.

23 Q Is this Tahera Weinstein sitting next to me?

24 A It is.

25 Q How old are you, sir?

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A I am 42.

Q Are you employed?

A Yes. I work for a service organization in Manhattan as an accountant.

Q Do you recall there coming a day when two agents of the FBI came to your home to arrest your wife?

A Yes, I do.

Q That was in the early part of December of 1976?

A Yes, sir.

Q Would you tell us what happened that day, as far as you remember.

A From the time the agents came to our home?

Q Yes.

A Well, it was early in the morning, it was approximately 8:00 or 8:30 a.m. My wife and I were just walking out of the house to go to work, and we noticed two gentlemen getting out of a car. They pulled their car in a manner to block our driveway, and then they came up our lawn towards the door.

They came to the door, and I said how, how can I help you? They said we are from the FBI, we are looking for Tahera Weinstein. And I said this is Tahera Weinstein, this is my wife, I am Robert Weinstein. I said



would you please come in. And they came into my home.

I said what is this all about? They said Mrs. Weinstein, you are under arrest.

I said what is this all about? And they said -- they said something that I couldn't understand, the only thing I could understand was the word fee --

THE COURT: Keep your voice up, will you please. I have to hear you.

THE WITNESS: I'm sorry.

A I asked the agents what this was all about, and they said to my wife, you are under arrest. And I asked them again, what is this all about, and they mentioned something regarding the word fee. I didn't undersatnd what it was.

And my wife said, I am going to call my attorney. And she moved to the kitchen. And an agent followed her and said you will call your attorney after we take you downtown, we have to ask you some questions.

We then proceeded to leave the house, and I said would it be all right if I road with my wife, and they said no, it's government regulations that you don't ride with your wife. I said all right, can I follow you with my car. Where are we going. He said we are going to No. 1 St. Andrews Plaze.



1 I said where is that, and they told me it  
2 was near the Manhattan Civic Center, so I knew the  
3 approximate vicinity.  
4

5 I followed them and we did in fact go to No.  
6 1 St. Andrews Plaza, and I was allowed to come upstairs  
7 to the seventh floor of the building, with the two agents  
8 and my wife.

9 And we got off the elevator at the seventh  
10 floor and my wife said I'd appreciate it if you'd let  
11 me call my attorney, and they said come inside and after  
12 we speak to you you will be allowed to call your attorney.

13 And I said -- I started to follow, and they  
14 said you can't come in here, you will have to remain  
15 seated outside. I said all right. And I sat down in the  
16 waiting room.

17 After approximately an hour that had passed,  
18 two agents came out with my wife and they passed me by and  
19 they said we are going to have your wife fingerprinted,  
20 and they took her downstairs in the elevator.

21 I would say it took approximately twenty  
22 minutes for them to return, twenty minutes to a half  
23 hour for them to return, and --

24 THE COURT: Wait a second. What time did  
25 you get down here to the United States Attorney's office?



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2 THE WITNESS: I would say the entire trip  
3 from my home to the United States Attorney's office  
4 took us approximately an hour and a half, sir. That  
5 would place the time at about 10:00 a.m.

6 May I proceed?

7 THE COURT: Yes.

8 A (Continuing) The two agents, after taking  
9 my wife downstairs to be fingerprinted, came upstairs  
10 with my wife. They got off the elevator on the seventh  
11 floor, and before they went inside my wife again asked  
12 them, as a matter of fact, she demanded that they allow  
13 her to call her attorney, and they said, the United  
14 States District Attorney wants to question you and after  
15 he is finished questioning you, you will be allowed to  
16 call your attorney.

17 I didn't ask them again if I could follow  
18 them because I knew what the answer would be so I just  
19 remained seated.

20 After approximately another hour and a half  
21 they came out, two agents came out with my wife. And we  
22 left that floor. We went downstairs, my wife was  
23 fingerprinted again and photographed and --

24 THE COURT: Fingerprinted and photographed  
25 a second time?



THE WITNESS: That's right, sir. And she spoke to a gentleman, I think they call him a pretrial examiner or -- I don't know what his exact title is.

And then she was brought before a Magistrate. And we then went home.

Q When you say she was fingerprinted and photographed again, were you present the second time?

A I went downstairs with her.

Q Did you actually see her being fingerprinted and photographed?

A Oh, no.

Q All you know is she went somewhere else.

A I stood outside, it was a door that had -- it was a door with bars on it like a cage, it looked like a cage, a cashier's cage, that is what the door looked like.

And when they went in, they went around a bend, so I couldn't possibly see what was being done. But it was my understanding that she was being fingerprinted and photographed a second time.

Q You didn't see it?

A No, sir.

Q With regard to the other items you testified that you saw and heard, is there anything else that you



1 eljw

R. Weinstein - direct

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2 didn't actually see and hear, you are just filling in,  
3 your assumptions?

4 A Oh, no. What I am relating to the  
5 Court are not assumptions, sir, they are fact. I'm not  
6 assuming anything.

7 Q I am simply saying with regard to the  
8 second fingerprinting and photographing, they went  
9 around the bend, you couldn't see what was happening,  
10 you made an assumption.

11 With regard to any other testimony you are  
12 giving, are you assuming or did you actually hear and  
13 see that?

14 A With regard to the other testimony I am not  
15 assuming. I actually saw and heard what I am relating to  
16 the Court now.

17 Q Did there come a time that you called an  
18 attorney?

19 A (No response)

20 Q I'm sorry.

21 That morning between the hours of 8:00 and  
22 noon, did you call an attorney?

23 A Mr. Hyman Greenberg, I believe.

24 Q Perhaps I can refresh your recollection.

25 Was he at the firm of Fried & Regenstreif?



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cross  
R. Weinstein - direct

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A Oh, Herbert Regenstreif, is that right.  
Fried & Regenstreif or the attorneys. That is the name  
of their corporation, that's right.

Q Do you know approximately what time you  
called?

A Yes. I would place the time at between  
1:00 and 2:00 in the afternoon.

MR. ZEVIN: No further questions.

THE COURT: You may cross examine.

CROSS EXAMINATION

XXXX

BY MR. DUHAMEL:

Q Mr. Weinstein, you testified that when the  
agents first arrived at your home after having identified  
themselves, at some point soon thereafter your wife asked  
to call an attorney; is that correct?

A That's correct.

Q And you say that in response to that the  
agents said "We have to ask you some questions;" is that  
correct?

A That's correct.

Q Did they attempt to question her in your  
presence?

A No, they did not.

Q You stated that at the time you arrived at



1 the U.S. Attorney's office here at Foley Square that you  
2 were asked to wait outside and your wife was taken in the  
3 inner office section by the agents; is that correct?  
4

5 A That's correct.

6 Q And you stated that at some point thereafter  
7 she was taken out, this is the first time she was taken  
8 out, she was taken out and photographed and fingerprinted;  
9 is that correct?

10 A That's correct.

11 Q You stated that that was approximately an  
12 hour.

13 A Just about.

14 Q Could it have been closer to five minutes?

15 A No, sir.

16 Q You are certain that it was an hour that  
17 she was in there?

18 A Closer to an hour than five minutes, sir.

19 Q Could it have been more than an hour?

20 A I doubt it.

21 Q And then at some point thereafter, after  
22 approximately twenty minutes, she was taken back to that  
23 same area of offices; is that correct?

24 A That's correct.

25 Q And once again you were asked or told to



1 wait outside.

2  
3 A No, sir, that is not correct. The first  
4 time I was told to wait outside. The second time I didn't  
5 bother to ask if I could follow because I naturally  
6 assumed I would be given the same answer as I had been  
7 given the previous time. I just sat in the waiting room.

8 Q Was that inside the door, sir?

9 A Where the elevators are. I sat, there are  
10 elevators and there are chairs and there is a glass  
11 partition with a door.

12 I sat outside where the elevators are.  
13 I did not follow them through the door.

14 Q At what time was this? You said that would  
15 be approximately -- I'm not sure -- what time was that,  
16 to the best of your recollection, that she was brought  
17 back the second time, after having been fingerprinted?

18 A I would say about 11:15.

19 Q And then you stated at approximately  
20 sometime between 1:00 and 2:00 in the afternoon you had  
21 occasion to call this attorney, some attorneys.

22 A Yes. At approximately 2:00 in the afternoon  
23 I called the corporation of Fried & Regenstreif. Because  
24 we needed some counseling.

25 Q By this time had Mrs. Weinstein, your wife,



had she been taken down for the second time to be fingerprinted and photographed or was she still inside the offices?

A By the hour of 2:00?

Q Yes.

A By the hour of 2:00 she was already questioned by --

Q I am asking what you observed, Mr. Weinstein, not what you were told.

Where was Mrs. Weinstein? Had she already been taken before the Magistrate by that hour?

A I don't know.

Q Do you remember where you called from what phone you used?

A No, I don't.

Q To the best of your recollection, was she still being questioned at that time by the agents and the Assistant U.S. Attorney?

A At the time I made the call to the attorney?

Q That is correct.

A No, sir.

Q Approximately how long after the questioning ceased did you make the phone call for the attorney?

A As long as it took us to get downstairs, to



1 eljw T. Weinstein - direct  
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2 get out of the building.

3 MR. DUHAMEL: No further questions, your  
4 Honor.

5 MR. ZEVIN: No questions, your Honor.

6 THE COURT: You may step down.

7 (Witness excused)

8 MR. ZEVIN: I call Mrs. Weinstein.

9 THE COURT: We will have a short recess.

10 (Recess)

11 MR. DUHAMEL: Your Honor, I just observed  
12 there is an error on the designation sheet. It should be  
13 five years and \$5,000 per count. The \$5,000 is not reflected  
14 on it.

15 THE COURT: All right.

16 MR. DUHAMEL: Thank you, your Honor.

17 MR. ZEVIN: Mrs. Weinstein.

18  
19 T A H E R A W E I N S T E I N , called as  
20 a witness, being first duly sworn, testified  
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. ZEVIN:

24 Q Mrs. Weinstein, you are the defendant in  
25 this case? \

XXX



1 eljw

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2 A Yes, I am.

3 Q And you are married to Robert Weinstein,  
4 who testified before?

5 A Yes, I am.

6 Q Do you recall the day in December when  
7 two agents came to your home to arrest you?

8 A I do.

9 Q Were you arrested more than once in the  
10 month of December, 1976?

11 A No, sir.

12 Q Just on one occasion?

13 A Yes.

14 Q Would you tell us what time did the  
15 agent arrive?

16 A Between 8:15 and 8:30. I came downstairs  
17 to go to my work, my office. My husband was following  
18 me. I opened the door and I noticed a car from somewhere,  
19 where I couldn't notice it, cross our driveway. Two  
20 gentlemen got out of it. And as they came closer to the  
21 house, they took out a badge, which my husband was able  
22 to see. The door was obviously open but we were going  
23 outside.

24 As they came closer to the door, I stood  
25 back, my husband asked them if there was anything he could



do for them.

They said they were from the FBI and they were looking for Tahera Weinstein. And my husband Robert pointed to me and said this is Tahera Weinstein, and I am Robert Weinstein her husband, please come in.

And they came in and they said they had come to arrest me. I was absolutely shocked and I said what for? And they said some numerical sequence with the word fee in it somewhere. I didn't understand anything so I proceeded to walk towards my kitchen and I said I am going to make a phone call to my attorney.

One of the agents, I believe it was Mr. Brennan, followed me up to the kitchen and he told me please don't make a call from here, we have to take you downtown first for questioning.

I then came back. I picked up my coat which was hanging on the banister and my pocketbook, and I put my coat on. While I was doing this, my husband asked Mr. Lynch it was, I think, may I go with my wife, and he said you can't ride with us but you can follow us.

And my husband asked him where are you taking her and they said St. Andrews Plaza or Place, I didn't catch it at that time, but it was St. Andrews Plaza.

And my husband asked how he could get there



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T. Weinstein -direct

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2 in case he lost us while he was following us in his car,  
3 and they told him from the Manhattan Civic Center you  
4 can get there, it's close to the Civic Center.

5 We got into the car. Mr. Brennan was  
6 driving and Mr. Lynch was sitting beside me in the  
7 back seat, and my husband was following us.

8 All this time I was in a state of shock  
9 also, but I was also very conscious of the fact that we  
10 should not lose my husband because I wanted, I felt  
11 secure in the fact that he was with me and if I needed  
12 any help he would be able to do so, like getting an  
13 attorney for me or whatever had to be done.

14 So most of the time I kept looking from the  
15 back window to see if he was following us. When we had  
16 gone about perhaps we had been traveling for about 25  
17 or a half hour, the travel time was slow, I may say, it  
18 was raining and it was a very bad day, Mr. Lynch gave me  
19 a piece of paper and he said, he asked me if I spoke  
20 English, and I said yes. And he gave me this piece of  
21 paper and he said these are your rights --

22 Q One moment please.

23 May I have Exhibit No. 1.

24 (Pause)

25 Q I'm sorry. Please continue.



A He gave me this piece of paper and I took a cursory glance at it. I was nervous and I was trying not to be nervous.

Q You say he gave you a piece of paper?

A Yes.

Q Is this the piece of paper he gave you?

A Yes, sir, it is.

MR. ZEVIN: Referring to Government's Exhibit 1.

A I sort of glanced at it in a hurried way. I signed it and I gave it back to him. And I saw him writing something on it.

After that we proceeded to travel and we got to One St. Andrews Plaza. My husband's car drew up right behind us and he got out and asked them if he could come up with us and they said yes. So we went up to the seventh floor, which has an elevator and about three or four chairs in a kind of lobby, and there is a glass partition door and a kind of reception window.

At that point I said, before we go anywhere, I would like to call my attorney, and Mr. Brennan and Mr. Lynch told me that I would be permitted to do so after I had been questioned by the Assistant U.S. Attorney, Mr. Frank Wohl.



2 My husband asked them if he could go in  
3 with me and they said no, you are not permitted to go  
4 behind these doors, please sit here and wait.

5 They took me inside and they were joined  
6 by two other agents, one whose name I didn't get for a  
7 long time, and one whose name was Mark Marshan or  
8 Mershon. And he was by me while Mr. Lynch and Mr.  
9 Brennan went into all kinds of offices, perhaps to look  
10 for Mr. Wohl.

11 I was there for at least forty-five minutes  
12 to an hour almost. They came out and they said well, he  
13 is not available for some time, we'll take you down for  
14 fingerprinting and photographing.

15 We came outside in the lobby and one of the  
16 agents told my husband that your wife is going to be down  
17 fingerprinted and photographed.

18 We went downstairs to some floor which I  
19 don't know what the number of the floor was and I was  
20 fingerprinted and photographed right away, because there  
21 was nobody else there. And brought right up again.

22 When I went there, by this time I was really  
23 upset because I had not been able to call any attorney.

24 Oh, excuse me. On my way down I asked Mr.  
25 Mershon, I said, would you please somebody explain to me



2 what this is all about. And his words were to me, and at  
3 this point I think I can really quote, he said, "Everything  
4 will be made crystal clear to you when you get to Mr.  
5 Wohl's office."

6 We came back again to the seventh floor and  
7 I said I absolutely insist that I be permitted to call  
8 my attorney, and he said to me, he said, well, let's go  
9 in first --

10 Q Who is he?

11 A Mershon. He said to me, let's go in first  
12 and speak with Mr. Wohl and then you can call anybody  
13 you like.

14 We went inside a room, there was Mr. Lynch,  
15 Mr. Brennan, Mr. Mershon, and a gentleman whose name I  
16 didn't know for a while, who I now know is Mr. Mullaney.

17 Mr. Wohl was on the other side of the desk.  
18 He stood up and said Mrs. Weinstein, I am Frank Wohl,  
19 U.S. Attorney, we would like to sit sit down, we need your  
20 assistance and this is an informal interview, and I'd  
21 like you to help us get together certain facts because we  
22 need your assistance.

23 He then talked to me about a person I know,  
24 a lady called Jasmin Parani. He asked me what my relation-  
25 ship with her was and I said I knew her as a sales girl



1 eljw

T. Weinstein - direct

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2 for a boutique, who had come to the place where I at  
3 that time worked.

4 Q Mrs. Weinstein, I don't think the conversa-  
5 tion, the things you said about Jasmin are relevant. go  
6 on to any other conversation you had between Mr. Wohl and  
7 yourself.

8 A Mr. Wohl asked me how I knew her and in  
9 reference to that I was giving the answer, the way I knew  
10 her is that she came to the establishment where I was  
11 then working, to be able to promote some of the goods which  
12 she was selling for the place that she worked for, because  
13 we were with retail chain and the kinds of goods they  
14 sold were the kind of goods that we offer to the public  
15 for retail sales.

16 Then he went on to ask me if I knew anybody  
17 in the Immigration Department whom I could possibly  
18 have bribed on behalf of Mrs. Parani or anybody else for  
19 the purpose of getting them permanent registration.

20 I said I knew absolutely nobody in the  
21 Immigration Department, I would not do this, and at that  
22 point I was almost in tears and I told him that -- he  
23 said something about that I had committed a conspiracy  
24 against the United States, and I told him at that point  
25 that I am a Pakastani, that I had married an American, I

1 do consider this my country and I would not go against  
2 it.  
3

4 He proceeded to ask me many questions  
5 along the same lines and I answered them to the best of  
6 my ability. They were very confused questions. Like  
7 they kept going back and forth. I don't know how to put  
8 it. Like you sometimes do with children trying to trip  
9 them up with their own answers.

10 Excuse me. Before he started talking to  
11 me I had asked again for my attorney. And he said, after  
12 this informal questioning you will be permitted to do  
13 so.

14 Q When you say he --

15 A Mr. Wohl.

16 So this questioning went on for about an  
17 hour and a half. At that point I said I'm sorry, but  
18 you have to permit me to call my attorney. Mr. Wohl  
19 then said you may use my telephone.

20 I used his telephone and I called the firm  
21 of our attorneys who look after all matters for us,  
22 Fried & Regenstreif. I spoke to Mr. Herbert Regenstreif.  
23 I explained where I was. I told him as much as I could  
24 understand what was happening and asked him if he could  
25 come down to the courthouse to help me when I was arraigned



2 before a Magistrate. He said that he was not able to do  
3 so because he did not know anything much about criminal  
4 procedure, being a civil attorney, but he would call me  
5 back right away and give me the name of some criminal  
6 attorneys whom he had known and had associated with.

7 Within about ten minutes the telephone  
8 rang, Mr. Wohl picked it up, and it was Mr. Regenstreif.  
9 Mr. Regenstreif's secretary. She gave me the name of the  
10 firm of Greenberg and another name which I do not recall.  
11 She said that Mr. Regenstreif had said to call and say that  
12 his name had been given to me by Mr. Regenstreif and that  
13 Mr. Regenstreif would appreciate any assistance that Mr.  
14 Greenberg would give me at this time.

15 I called up. It was about a quarter after  
16 12:00 because the secretary to Mr. Greenberg said it's a  
17 quarter after 12:00, Mr. Greenberg went for lunch at  
18 12:00 o'clock, he will be back by 1:00.

19 In the meantime when I put the phone down  
20 Mr. Wohl had been talking to one of the agents, and he  
21 said the Magistrate has gone for lunch and will not be  
22 back until 1:00 o'clock, so why don't we go through the  
23 pretrial service and for that purpose let me ask you a  
24 few questions about background and where you live and  
25 your properties and what you do for a living. And he



proceeded to ask them.

In between, Mr. Wohl still kept going back to the Parani thing. But my answers at that point were not exactly vague, but I was more interested in speaking to my attorney at that point. So I'm not -- I don't even recall what answers I gave to Mr. Wohl.

A few minutes later at about ten minutes to 1:00 the telephone rang and it was Mr. Greenberg. He introduced himself to me and he asked me what the matter was and I said to him, Mr. Greenberg, I have a problem, I am here, I have been arrested by federal agents, but I don't really know what it's about, would you please speak to Mr. Wohl if he would be kind enough to speak to you. Maybe he will explain what the next procedure is. And I handed the telephone to Mr. Wohl.

Mr. Wohl told him that I was being arraigned in front of a Magistrate. He told Mr. Greenberg to come there. He said the Magistrate was at lunch and he would be there, I would be there about 1:30 or a quarter past 1:00. Mr. Greenberg said he would try to get there as fast as possible because he was at his office in Queens.

We went down to pretrial services. We were there for at least 20 to 25 minutes. Then we went into the Magistrate's room --



THE COURT: I don't think this is pertinent.

MR. ZEVIN: It is pertinent, your Honor, only to this: The apparent inconsistency in the statement of Mr. Weinstein, we will get to the point where he does make the phone call. He talked about 2:00 o'clock.

THE COURT: Is that the issue in this case?

MR. ZEVIN: No, it's not.

THE COURT: I think the issue in this case is everything that happened up to the time she was brought before the Magistrate.

MR. ZEVIN: Unless your Honor considers that the inconsistency in Mr. Weinstein's statement affects his credibility. That is the only reason I would ask it.

THE COURT: Go ahead.

Q You get to the point where you leave the Magistrate's office.

A Yes. And we took the car, we went down to the street and I told my husband, you better call Herbert Regenstreif because aside from being an attorney he is a personal friend and he must be worried as to what's happened to me.

So Mr. Weinstein then proceeded to call him

1 eljw

T. Weinstein - direct/cross

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2 and tell him that Mr. Greenberg had arrived and I had  
3 been arraigned and I had been let off under my own recognizance.  
4 And we went home.

5 MR. ZEVIN: Thank you. I have no further  
6 questions.

7 THE COURT: You may cross examine.

8 CROSS EXAMINATION

9 BY MR. DUHAMEL:

10 Q Mrs. Weinstein, you testified that when you  
11 were first placed under arrest by the FBI agents you made  
12 a request to speak with your attorney; is that correct?

13 A I did.

14 Q Am I correct in assuming that you have  
15 no training in the law?

16 A No, sir.

17 Q Is it reasonable to assume that the reason  
18 you wanted to speak with your attorney is so that he  
19 could advise you as to your legal rights?

20 A Yes, sir.

21 Q Did you make just one request at your  
22 home of the agents?

23 A Yes, sir.

24 Q And that was denied?

25 A Yes, sir.



Q And then in the car did you repeat the request?

A No, sir.

Q On how many occasions did you request of the agents once you had arrived at the U.S. Attorney's office to speak with your lawyer?

A Twice.

Q Where were they?

A The first time when we got to the seventh floor before I was taken into Mr. Wohl's office I requested in the lobby near the elevators, and the second time was when I came back from being fingerprinted and photographed for the first time, I again requested it.

Q Agent Lynch was with you at all times up to that point; is that correct?

A Agent Lynch was there all the time and Agent Mershon joined us at the fingerprinting and photographing process, but I'm not sure if Brennan was with us or not.

Q You heard Agent Lynch testify that at no time did you request to speak with an attorney?

A Yes, I did.

Q That testimony is inaccurate; is that correct?



2 A Absolutely.

3 Q You stated that when you were brought  
4 before Mr. Wohl, what transpired at that point?

5 A The first thing I asked him was to speak to  
6 my attorney. Mr. Wohl said this is an informal questioning,  
7 we need your assistance, and after we have talked together,  
8 you can call your attorney.

9 Q Was your request more specifically, will  
10 I be able to talk to an attorney?

11 A No, that is towards the end of the conversa-  
12 tion, "Now may I please call my attorney?"

13 Q You heard Mr. Wohl testify that at the  
14 beginning of the interview you asked, will I be able to  
15 talk to an attorney.

16 A I did ask that but it was at the end. And  
17 I didn't say will I, I said may I --

18 Q Please allow me to finish the question.  
19 You heard Mr. Wohl testify that at the  
20 beginning of the interview you asked will I be able to  
21 call an attorney, and Mr. Wohl responded yes; is that  
22 testimony inaccurate?

23 A Inaccurate.

24 Q Am I correct that you have your own business?  
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A I am an accountant.

Q You deal with papers and documents quite frequently; is that correct?

A Yes, I do.

Q You have been shown Government's Exhibit 1 which I am now displaying to you.

A Yes, I saw it when Mr. Zevin showed it to me.

Q Am I correct that prior to today you were shown this document by Agent Lynch in the car while you were being transported from your home to the United States Attorney's office?

A Yes.

MR. DUHAMEL: May I approach the witness, your Honor?

THE COURT: You may.

MR. DUHAMEL: Thank you.

Q I am now handing you Government Exhibit 1. Am I correct that at the top of that document in bold print is stated the words "Advice of Rights"?

A Yes.

Q You stated that when you did receive this from Agent Lynch you glanced at it; is that correct?

1  
2 A I just glanced at the whole thing. I knew  
3 it was something to do with rights, but I didn't read it  
4 word for word. I just took a very quick glance at it,  
5 signed it and gave it back to him.

6 Q Thank you.

7 And yet you made four or five requests to  
8 call your attorney so that he could explain your rights  
9 to you; is that correct?

10 A I also --

11 Q Excuse me, is that correct?

12 A Yes.

13 Q Thank you.

14 Your attorney will have an opportunity on  
15 redirect examination to ask you questions.

16 When you were first arrested you testified  
17 and Agent Lynch testified that you had an opportunity to  
18 gather your belongings; is that correct?

19 A Yes.

20 Q At any point during that time were you out  
21 of the sight of the agents?

22 A No, sir.

23 Q You testified that you had asked to call  
24 that law firm -- I'm sorry, I don't remember the name --  
25 Regenstreif?



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A Yes.

Q And that that request was denied.

A I did not mention the name at any time.

Q But you did ask to speak to a firm?

A I said I would like to speak to my attorney.  
I did not mention any names at all.

Q And that you were allowed to call the  
office of that firm; is that correct?

A I was allowed after my fourth request by  
Mr. Wohl to use his telephone to call Mr. Regenstreif's  
office.

Q At some point soon thereafter you received  
a call back from that firm's office; is that correct?

A Yes, I did.

Q You heard Mr. Wohl testify that the  
first call between you and that firm was when the call  
came into his office. Was that testimony inaccurate?

A Absolutely.

MR. DUHAMEL: No further questions, your  
Honor.

THE COURT: Redirect?

MR. ZEVIN: None, sir.

THE COURT: Next witness.

MR. ZEVIN: We have no further witnesses.

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THE COURT: The defendant rests?

MR. ZEVIN: Defendant rests.

MR. DUHAMEL: No rebuttal testimony, your  
Honor.

THE COURT: Decision reserved.

(Time noted: 12:25 p.m.)

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WITNESS INDEX

| <u>Name</u>      | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> |
|------------------|---------------|--------------|-----------------|----------------|
| William H. Lynch | 3             | 13           | 24              |                |
| Frank Wohl       | 26            | 37           |                 |                |
| Robert Weinstein | 49            | 56           |                 |                |
| Tahera Weinstein | 60            | 72           |                 |                |

EXHIBIT INDEX

| <u>Government</u> | <u>Identification</u> | <u>In Evidence</u> |
|-------------------|-----------------------|--------------------|
| 1                 |                       | 7                  |

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